

Monday,
8th December, 1947

THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES

Official Report

Volume II, 1947

(29th November to 10th December, 1947)

First Session
OF THE
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
1947



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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Monday, 8th December, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS.

RATES POLICY OF RAILWAYS

†658. *Shri T. T. Krishnamachari: (a) Will the Honourable Minister of Railways be pleased to state whether the Special Officer and the Committee of Rating Experts appointed by the Railway Board to work out the basis for revision of the rates policy of the Railways have submitted their reports to the Railway Board?

(b) If so, what are their recommendations?

The Honourable Dr. John Matthai: (a) The Special Officer, who is also the Secretary of the Standing Advisory Committee (Post-war Rating), has submitted several reports on the different aspects of rating practice and policy. Most of the reports have been examined and reported on by the Standing Advisory Committee, whose recommendations have been considered by the Railway Board. The subject, however, is a vast one, and there is still considerable work to be done.

(b) Among the more important recommendations of the Standing Advisory Committee, which have been accepted by the Railway Board, may be cited the following:

(i) Introduction of 10 telescopic continuous mileage 'class' rates, leaving only six 'flat' class rates in operation. It is hoped that the latter will be replaced by telescopic scales before the end of 1948.

(ii) Assimilation of 'schedule' rates. Only eight 'schedules' will be in use after the 1st of January 1948 in place of twenty-seven hitherto in force. Considerable simplification of procedure will result.

(iii) After the 1st of January 1948, all goods traffic is to be carried by the shortest route to the greatest extent possible. This will eliminate circuitous routing of goods and should improve wagon availability.

(iv) Two new rules of procedure are to be introduced as from 1st January 1948 as a convenience to commercial interests. These rules are:

(1) No rate shall be cancelled or enhanced by railways without three calendar months' notice to the trade and other railways concerned. The only exception to this will be the cancellation of 'dead' rates, i.e. rates at which no traffic has moved for a period of not less than six consecutive months. Such 'dead' rates will be withdrawn on one month's notice to those concerned.

(2) No rates shall be reduced without at least seven days' notice to the public, which notice shall be given through the medium of the

†Answer to this question laid on the table, the questioner being absent.

Press wherever possible. The intention of this rule is that publicity shall be given to reductions in rates, so that all concerned or affected may have advance information regarding the abatements to be made.

(v) As soon as conditions return sufficiently to normal and it is possible to obtain the required mechanical apparatus station rate registers are to be introduced at all railway stations. The preparatory investigation in this connection has been completed.

POST-WAR RECONSTRUCTION OF RAILWAYS IN CHOTA NAGPUR DIVISION

†659. *Shri Jadubans Sahay: (a) Will the Honourable Minister of Railways be pleased to state whether Government have any schemes for the extension of Railway lines under the Post-War Reconstruction in the areas covered by the Chota Nagpur Division in the Province of Bihar?

(b) If so, have Government decided to drop any one of the above schemes so far as Chota Nagpur is concerned?

(c) If the answer to part (b) above be in the affirmative, what are the reasons for the same?

(d) In view of the fact that Chota Nagpur Division is one of the richest areas in India in mines and mineral deposits, do Government propose to take immediate steps for the extension of Railway lines in the said area?

The Honourable Dr. John Matthai: (a) In the Post-War Reconstruction Programme of Railways, the Government have under consideration the following projects for extension of Railway lines which are wholly or partly located in the Chota Nagpur Division of the Bihar Province: (i) Tori-Birmitrapur (ii) Gaya-Ranchi. (iii) Barkagaon-Hazaribagh-Giridih. (iv) Barwadih-Chirimiri. (v) Barwadih-Manikpur.

(b) No.

(c) Does not arise.

(d) Government have already sanctioned the construction of a line between Barwadih and Sarnadih the first 40 miles of the Barwadih-Chirimiri project. The remaining projects are still under investigation.

THROUGH PASSENGER TRAIN FROM PATNA TO RANCHI

†660. *Shri Jadubans Sahay: (a) Will the Honourable Minister of Railways be pleased to state whether the attention of the Government of India has been drawn to a resolution passed by the Legislative Assembly of Bihar urging upon the Government of India the necessity of starting a through passenger train from Patna to Ranchi?

(b) Are Government aware that the absence of such a through train between Patna and Ranchi, is, to a great extent, responsible for the failure of the Bihar Government in maintaining a closer link between Bihar proper and Chota Nagpur?

(c) Do Government propose to take steps for starting a through passenger train as stated above? If not, why not?

The Honourable Dr. John Matthai: (a) The attention of the Government has not been drawn to any such resolution.

(b) The Government are not aware of this.

(c) The restoration of the Patna-Ranchi Road train service has been accorded a high priority by the East Indian Railway Administration. At present, however, the Railway is short of Rolling stock. Meanwhile a through carriage for upper class passengers is provided each way between Patna and Ranchi Road.

†Answer to this question laid on the table, the questioner being absent.

AVAILABILITY OF GYPSUM

†661. ***Shri Amiyo Kumar Ghosh:** (a) Will the Honourable Minister of Industry and Supply be pleased to state if gypsum in adequate quantity suitable for cement manufacture, is available within the Indian Union? If so, the places where it is available?

(b) If it is not available within the Indian Union, what step Government propose to take in order to procure the supply of the same from outside the Indian Union?

(c) Is it a fact that the Sone Valley Portland Cement Factory at Japla has closed one of its kilns due to the non-availability of gypsum, resulting in the retrenchment of large number of labourers?

(d) If so, what steps Government propose to take in the matter?

The Honourable Dr. Syama Prasad Mookerjee: (a) *Yes, Sir; in Trichinopoly, Bikaner, Jaisalmer Jodhpur, Garhwal and Dehra Dun.

(b) Does not arise.

(c) The stocks of the Company are stated to be only about 40 tons while its immediate need is 100 tons to prevent a shut-down of the plant. A report from the factory dated the 2nd December stated that the kiln had not yet closed down by that date.

(d) The Railway authorities have been informed of the seriousness of the situation, and have been urged to move a sufficient quantity of gypsum in time to prevent closure of the works.

PRODUCTION OF STEEL

662. * { **Shri T. T. Krishnamachari:**
Shri K. Santhanam:

(a) Will, the Honourable Minister of Industry and Supply be pleased to state what steps Government propose to take in order to increase the production of steel in the country?

(b) Have Government taken any action on the Report of the Advisory Steel Panel for setting up two new major steel works in the country and if so, what is the progress of their scheme in this respect?

(c) Do Government propose to investigate the possibilities of utilising the equipment and personnel in the Ordnance Factories for supplementing the production of steel as an immediate measure?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). Steps are being taken to set up two new major steel producing units, each of 500,000 ingot tons capacity and each capable of being doubled, at a total estimated capital cost of Rs. 48 crores. Matters regarding the operation, location, design and construction of the plants and the nature of foreign technical assistance required are under consideration. Government are also giving every assistance to the Industry to produce to capacity and for their expansion schemes.

(c) Yes, Sir. The Ordnance Factories are already producing various steel products against civil orders. Government will examine the possibility of increasing steel production in these factories.

Shri K. Santhanam: May I know whether these two proposed factories will be state factories or private ones?

The Honourable Dr. Syama Prasad Mookerjee: They will undoubtedly be controlled by the State, but the details will be discussed at a conference which I have called a fortnight hence.

Shri K. Santhanam: May I know where they are proposed to be located?

†Answer to this question laid on the table, the questioner being absent.

The Honourable Dr. Syama Prasad Mookerjee: One is in Bihar and the other is in C.P.—that is the present proposal. That has not, however, been finally decided.

Shri Khandubhai K. Desai: Will there be some Government representation on the Board of Directors?

The Honourable Dr. Syama Prasad Mookerjee: Certainly.

Prof. Shibban Lal Saksena: One steel plant was allotted to India from the German reparations. Is this plant one of the two plants which are being set up in Bihar and C.P.? If not, when will the German plant be put up?

The Honourable Dr. Syama Prasad Mookerjee: That will have to be considered. We will first consider the suitability of the plant.

Shri S. Nagappa: May I know whether Government will consider the desirability of purchasing at least 50 per cent. of the shares of the factories?

The Honourable Dr. Syama Prasad Mookerjee: It will be considered.

REPORT OF INDUSTRIAL PANELS

663. * { **Shri T. T. Krishnamachari:**
Shri K. Santhanam:

(a) Will the Honourable Minister of Industry and Supply be pleased to state how many industrial Panels appointed by the Planning and Development Department have reported till now?

(b) Do Government propose to lay on the table of the House a statement showing the action taken by the Interim Government and the present Government on the various reports?

(c) Do Government propose to set up any machinery for co-ordinating and implementing the recommendations of the various Panels?

The Honourable Dr. Syama Prasad Mookerjee: (a) 25.

(b) Government have so far considered eleven reports and have accepted the main recommendations made. The Reports† have been published and Press Notes referring to each Report were issued at the time of publication. They are being again laid on the table. Steps are now being taken to give effect to Government's decisions in consultation with the various authorities and interests concerned. Eleven other Reports are under examination and three are still in the draft stage.

(c) The Ministry of Industry and Supply is now responsible for the co-ordination and implementation of the recommendations of the various Panels.

Shri K. Santhanam: Will the Honourable Minister consider the desirability of bringing all these recommendations together in one compendious volume for the convenience of Members?

The Honourable Dr. Syama Prasad Mookerjee: That may be considered, if paper is available.

Dr. P. S. Deshmukh: And will those copies be circulated to the Members?

The Honourable Dr. Syama Prasad Mookerjee: Not perhaps to all Members of the House but to those who are interested.

FERTILIZER FACTORY AT SINDRI

664. * { **Shri T. T. Krishnamachari:**
Shri K. Santhanam:

(a) Will the Honourable Minister of Industry and Supply be pleased to place on the table of the House a statement showing the progress made upto date by the Fertilizer Factory at Sindri, including capital and recurring expenditure incurred?

†Not printed in these Debates. A copy placed in the Library of the House.—Ed. of D.

(b) What is the nature, the quantity of and the time when the various kinds of fertilizers will be available?

(c) Have Government arrived at any arrangements with the suppliers of machinery and the consultants in the United Kingdom and the United States of America in regard to the training of Indians in the various technical lines of the fertilizer industry and if so, what are the particulars of such a scheme?

The Honourable Dr. Syama Prasad Mookerjee: (a) A statement has been placed on the table of the House as desired.

(b) For the present, only one kind of fertilizer, *vis.* Ammonium Sulphate, is intended to be manufactured at Sindri. The quantity of Ammonium Sulphate which the factory is planned to produce is 350,000 tons per annum.

The forecast for pilot production is the end of 1949 and full production end of 1950, though one or two months after this might be required in order to co-ordinate and tune in the various units to operate the whole most economically.

(c) Yes, Sir. Agreement with the suppliers of plant and machinery and the consultants provides for the training of personnel for operating the factory. A considerable number of applications for training have already been received, although the scheme has not yet been advertised publicly.

Statement showing the up-to-date progress of the Fertilizer Factory at Sindri.

(1) Agreements have been concluded with the Chemical Construction Corporation of the U. S. A. for the design of the factory and with the Power Gas Corporation of the U. K. for procuring plant and erection of the same.

Resident Engineers of the Chemical Construction Corporation and the Power Gas Corporation are in position at site and the necessary technicians for the erection of the factory are beginning to arrive.

(2) Orders for the most important items of plant have been placed, orders having been distributed between the U. S. A., the U. K. and India.

(3) After protracted negotiations the land required for the factory and township has been acquired and a great amount of preliminary work has been completed. Temporary housing for the construction staff and workmen has been built. Temporary water supply and power supply have also been arranged. Levelling of the site is practically complete, main roads have been built and the installation of the complicated reinforced concrete foundations is well advanced.

Most of the structural steelwork required for the building has been ordered and fabrication is well advanced notwithstanding difficulties regarding supply of steel. Some steelwork has been delivered at site. A considerable tonnage of plant has arrived at site, or is in transit.

(4) A permanent township is being built for housing the staff and workmen required to operate the factory and all necessary services such as water supply, electricity, etc., are being provided.

Contracts will have to be let out for executing the big water supply scheme for supply of some 12 million gallons of water per day for boilers and process work in the factory and for supply to the township.

(5) A temporary railway siding has been constructed for the receipt of plant. The permanent broad gauge connection, linking the factory with the E. I. R. system, is nearing completion.

The erection of the factory will commence in earnest early in 1948

Steps have been taken to ensure training of Indian nationals for the operation of the factory.

The amounts of capital and recurring expenditure incurred are as follows:—

Commitments made so far amount to Rs. 10.98 crores, and the actual payments made are Rs. 1.89 crores.

Recurring expenditure—Nil.

Shri K. Santhanam: Arising out of the answer to part (c) of the question may I ask if any persons have been actually sent for training?

The Honourable Dr. Syama Prasad Mookerjee: No, Sir.

Shri K. Santhanam: If the factory is coming into operation in 1949 and if there is still delay in sending students for training, may I ask the Honourable Minister if it is not already late?

The Honourable Dr. Syama Prasad Mookerjee: I agree that the persons to be sent for training might have been selected earlier. But now I am taking steps so that there may not be further delay.

Seth Govinddas: Is it not a fact that besides ammonium sulphate there are many other kinds of fertilizers according to the opinion of scientists which can be used in this country, and if so is the Government making any investigation in this respect?

The Honourable Dr. Syama Prasad Mookerjee: That will also be taken up for consideration.

Shri H. V. Kamath: Is the best training in this line available only in the United Kingdom and the United States and not in any other country in the world?

The Honourable Dr. Syama Prasad Mookerjee: I suppose the sort of training that we require will be available in U.S.A. and U.K. and we are arranging with the companies who are coming here in connection with the installation of the factory to give us this training.

Diwan Ohaman Lall: May I ask my Honourable friend whether final decisions have been taken regarding the process to be employed in the manufacture of ammonium sulphate and the particular type of machinery to be imported for this purpose?

The Honourable Dr. Syama Prasad Mookerjee: I suppose what the Honourable Member is referring to is the question of availability of gypsum. The gypsum that we expected to be utilised for this purpose has now fallen within Pakistan. But we have made investigations and we are assured that gypsum for our purposes will be available from Rajputana and also from Trichinopoly. The total quantity of gypsum which is expected to be available will be near about 28,000,000 tons, which means about twenty years' requirements. Of course I am not in a position to say anything finally on this subject as I have referred the matter to experts for further investigation.

Regarding machinery some parts of it have already arrived and others are now on the way. A portion of the machinery, I believe, has already gone to Pakistan. But we have taken steps to see that the rest of the machinery comes straight to Bombay and not to Karachi.

Prof. N. G. Ranga: In view of the fact that nitric acid is considered to be very valuable for fertilizer purposes also, and further that it was found to be of very great strategic value during the last war, will Government consider the advisability of investigating the possibility of starting a factory for this purpose?

The Honourable Dr. Syama Prasad Mookerjee: Yes.

Shri O. V. Alagesan: Arising out of the answer, is there any proposal to start any factory near about Trichinopoly?

The Honourable Dr. Syama Prasad Mookerjee: One factory has been started in Travancore, and that is working both on sulphate as also on gypsum. Whether another factory can be started in South India or not has not been considered.

Dr. V. Subrahmanyam: May I know the amount of production of the Trivandrum factory?

The Honourable Dr. Syama Prasad Mookerjee: It is now producing about 50 tons per day.

Shri Raj Krishna Bose: What will be the capacity of the factory at Sindri when it is fully equipped?

The Honourable Dr. Syama Prasad Mookerjee: 350,000 tons a year.

Shri Biswanath Das: Have the Government seen the statement of Mr. Kumárappa and also the writings of Mahatma Gandhi about the injurious effects of ammonium sulphate on the soil, and also certain writings of American scientists on this question before inaugurating such huge plans for the manufacture of ammonium?

The Honourable Dr. Syama Prasad Mookerjee: As the Honourable Member is aware, scientists and experts differ very much on that question, but the general trend of opinion is that this will be valuable for our agricultural purposes.

Shri Biswanath Das: May I also draw the attention of the Honourable Member to the fact that in mofussil agriculturists are unwilling to use ammonium sulphate for manuring paddy fields and all that they use is only for the purpose of sugar-cane?

The Honourable Dr. Syama Prasad Mookerjee: That may be due to not educating public opinion properly, but that matter also may be examined by the Agriculture Ministry.

Diwan Chaman Lal: May I ask if my Honourable friend will be able to get hold of the machinery which by mistake went to Pakistan?

The Honourable Dr. Syama Prasad Mookerjee: That is a question which is very difficult to answer today.

Prof. N. G. Ranga: Is it not a fact that their own expert Dr. Mookerjee, who is the biggest expert on soils in this country, has expressed himself in favour of utilising to the largest extent green manure but with a small mixture of ammonium sulphate?

The Honourable Dr. Syama Prasad Mookerjee: Both may be mixed.

HINDUSTAN AIRCRAFT FACTORY

665. * { **Shri T. T. Krishnamachari:**
Shri K. Santhanam:

(a) Will the Honourable Minister of Industry and Supply be pleased to state the position in regard to the Hindustan Aircraft Factory and its future programme of development?

(b) When will the first aircraft manufactured in the factory be ready?

(c) Is it possible to have any programme of assembling aircraft in order to provide training and apprenticeship to Indian technicians and workers?

(d) Have Government worked out any scheme in consultation with the Ministry of Defence for the manufacture of military aircraft in the Hindustan Aircraft Factory?

(e) Do Government propose to issue a press note indicating the expenditure on this Factory as well as the number of officers and workers, Indian and non-Indian, employed therein?

The Honourable Dr. Syama Prasad Mookerjee: (a) From 1st April 1946, Hindustan Aircraft Ltd. ceased to be under the sole control of the Government of India. It has now reverted to the position of a private limited company with the Governments of India and Mysore continuing as the only Shareholders. The Factory at present acts mainly as an overhaul, repair, assembly and conversion depot for Civil Airlines and Air Forces. It is also doing a certain amount of General Engineering work for the public as well as for Government. The future programme of Hindustan Aircraft Ltd. envisages the manufacture of aircraft in India, as recommended by the United Kingdom Aircraft Mission, who visited India in March 1946 to advise Government on this subject generally. Hindustan Aircraft Ltd. has taken up the production of Percival Prentice Trainers for the Royal Indian Air Force under an

assistance arrangement with the Percival Aircraft Company, Luton, England. The Ministry of Defence has placed an initial order with Hindustan Aircraft Ltd. for 50 such aircraft. The company has also undertaken the manufacture of an improved type of third class Railway Coaches for the Railway Ministry, which has already placed an order for 100 such coaches. Further development in constructing coaches of other types for Railways is shortly expected. To meet the expanded programme, it has been decided to increase the share capital from Rs. 75 lakhs to Rs. 175 lakhs.

(b) The first aircraft manufactured at Hindustan Aircraft Ltd. is expected to be out by May 1948. This, however, will largely be an assembly from imported components. The first aircraft of the same type manufactured in Hindustan Aircraft Ltd. using Indian raw materials to a large extent, with the exception of the Engine and Instruments, is expected to be ready by September 1948.

(c) The assembling and manufacture of aircraft mentioned above should provide adequate opportunities of training to Indian technicians and workers, as, with the exception of a few British and American supervisory personnel, the staff employed consists entirely of Indian personnel.

(d) Yes, Sir. It is the policy of Government that as far as possible the requirements of the Indian Air Force should be met by Hindustan Aircraft Limited. For this purpose, Government propose to constitute an Advisory Committee to advise the Directors on questions of policy and to constitute a Liaison Committee between the Company and the main indentors. This Committee will include representatives of the Ministry of Defence, the Director-General, Civil Aviation, and the Ministry of Railways. There is, in addition, a local Technical Committee of officers of Hindustan Aircraft Limited and the Indian Air Force to co-ordinate the activities of the Company on technical matters. The decision as to what aircraft should be manufactured at Hindustan Aircraft Ltd., is primarily a question for the Defence Ministry which is at present examining the matter. As soon as a decision on this major issue is reached, orders will be placed on Hindustan Aircraft Ltd. as far as possible for their manufacture. It will be appreciated that, in the first instance, the Indian Air Force will be confined to foreign designs but steps have already been taken to set up a Design and Development Section at Hindustan Aircraft Ltd. with the object eventually of manufacturing aircraft for the Indian Air Force entirely to our own designs.

(e) No. A copy of the Balance Sheet of the Company for 1946-47 will be placed on the table of the House as soon as it has been approved by the Shareholders at their next Ordinary General Meeting.

The strength of the factory is as follows:

<i>Indian—</i>			
Daily rated	.	.	2,341
Monthly rated	.	.	1,197
Officers and Executive	.	.	63
Female	.	.	11
			2,602
			2,602
<i>Non-Indian—</i>			
British	.	.	16
American	.	.	7
			23
			23
			2,625

Since October 1947, three British pilots have been engaged on an hourly basis for RIAF Dakota delivery flights.

Shri K. Santhanam: May I know, Sir, if this aircraft factory has got an up-to-date designing and drawing section?

The Honourable Dr. Syama Prasad Mookerjee: We advertised for a chief designer. It was difficult to get a fully qualified Indian for this post, but we have selected two of the best Indians who are available in the country. We have also scrutinized applications and have provisionally selected a German technician. We are in contact with our advisers in Europe for the purpose of ascertaining whether this gentleman will be suitable for our purpose. As soon as the design office is completed, we will get on with our programme.

Shri K. Santhanam: May I know if it is proposed to have a Research Section also attached to it so that new designs to suit climatic conditions could be invented?

The Honourable Dr. Syama Prasad Mookerjee: Certainly.

Shri H. V. Kamath: Is it the policy of the Government to encourage private enterprise in aircraft production or is it the policy of the Government to nationalize this vital key industry as early as possible?

The Honourable Dr. Syama Prasad Mookerjee: It is now entirely under Government control. There is no other factory in India which is doing it.

Seth Govinddas: The Honourable Minister said that as far as the engine is concerned, it will be of foreign make. May I know, because that is the most important part of the machine, by what time Government expect that engines will also be made in this country?

The Honourable Dr. Syama Prasad Mookerjee: Well, I believe that must be one of the industries which must be developed and which given priority during the next one or two years.

Prof. Shibban Lal Saksena: What will be the maximum capacity of the factory to produce aircraft?

The Honourable Dr. Syama Prasad Mookerjee: I have just now stated that we are now producing about 50 of the specimens which have already been approved. Capacity will depend on further expansion.

Shri Raj Krishna Bose: Since the factory will also be constructing military aircraft, will it not be necessary to maintain some amount of secrecy with regard to the working of this factory, and if so, are Government satisfied that the foreigners working in the factory will maintain such secrecy?

The Honourable Dr. Syama Prasad Mookerjee: We are taking proper steps in that direction.

Mr. B. K. Sidhwa: What kind of facilities are provided for the purpose of training Indians in this Aircraft Factory?

The Honourable Dr. Syama Prasad Mookerjee: As I stated just now, practically most of the officers are now Indians and whatever facilities are available are at the disposal of these Indians.

Mr. B. K. Sidhwa: May I know what the arrangement is for future expansion?

The Honourable Dr. Syama Prasad Mookerjee: Our scheme is that wherever necessary we shall have foreign technicians brought from outside, but we shall have an Indian under study attached to each one of them.

SUBSIDISING FOOD IMPORTS

666. *Prof. N. G. Ranga: Will the Honourable Minister of Food be pleased to state:

(a) the amount spent in each year upon subsidising food imports ever since these subsidies have been commenced and what is the share of each country and on what items of foodgrains;

(b) how much is expected to be spent this year for this purpose;

(c) whether any active steps are being taken by Government to minimise the dependence on foreign imports of food supplies, and if so, the steps so far taken; and

(d) the recommendations of the recent Food Policy Committee in this regard?

The Honourable Dr. Rajendra Prasad: (a) The scheme of subsidising imported foodgrains supplied to deficit provinces was introduced from 1st April 1946 and the expenditure on this account during 1946-47 was estimated at Rs. 20.59 Crores. A statement showing the country-wise and grain-wise distribution of this amount is laid on the table of the House.

(b) The scheme of subsidy is sanctioned upto 31st December 1947 only, and the amount estimated to be spent during the period 1st April 1947 to 31st December 1947 is 17.85 Crores.

(c) and (d). Steps have been taken to increase the production of foodgrains in the country and to improve their procurement in the provinces and states in order to meet statutory commitment in regard to rationing. The recommendations of the Foodgrains Policy Committee have already been published and Government decision taken thereon will be announced on 10th.

STATEMENT

Subsidy on foodgrains imported from different countries during 1946-47 (1st April 1946—31st March 1947)

(All figures in lakhs of rupees)

1. <i>Wheat</i>		
Turkey		55.83
Australia		20.86
Canada		181.72
U. S. A.		385.10
		<hr/> 643.52
2. <i>Wheat Flour</i>		
Australia		6.66
U. S. A.		64.16
U. K.		5.59
		<hr/> 63.09
3. <i>Rice</i>		
Brazil		83.68
Siam		6.12
Burma		287.68
		<hr/> 377.48
4. <i>Maize</i>		
U. S. A.		80.61
Burma		16
Argentina.		416.53
		<hr/> 497.30

5. Millets	
Abyssinia	3.42
Egypt	63.17
Argentine	23.34
Iraq	6.98
Australia	1.85
	98.76
6. Barley	
Iraq	110.61
Argentine	18.16
Australia	28.13
Egypt	12.87
Turkey	157.45
	327.22
7. Milo	
U. S. A.	51.87
TOTAL	2059.24

Shri Deshbandhu Gupta: May I ask the Honourable Minister to give the figures for Burma?

The Honourable Dr. Rajendra Prasad:

Burma-rice.

From 1st April 1947 to 10th October 1947

Rs. 1,95,96,000

Shri Deshbandhu Gupta: May I know, Sir, if it is a fact that we have been exporting textiles to Burma, and whether Government have considered the desirability of introducing a system of barter between textiles and foodgrains in order to avoid the middleman's profit?

The Honourable Dr. Rajendra Prasad: That has been under consideration.

Prof. N. G. Ranga: Is there any truth in the recent Press report that the Dutch have prevented the export of rice from Indonesia, and if so what steps have been taken?

The Honourable Dr. Rajendra Prasad: There was some paddy which had been collected for export to India, when these troubles arose there in Indonesia, and I understand that some of the paddy could not be exported to India. We have protested against that action.

Prof. N. G. Ranga: What are the prospects, Sir, of increasing the exports from Burma of rice and paddy, and is that particular question also being mooted in these talks with the Burmese Delegation here?

The Honourable Dr. Rajendra Prasad: The system that has been followed so far is that the entire surplus which Burma can export is placed at the disposal of the I.E.F.C. and the I.E.F.C. makes allocation to the various countries. We have been allocated some thing for the next year, that is for 1948, and this amount is going to be larger than what we have imported this year—we expect something between 6,00,000 and 7,00,000 tons in the next year from Burma.

Prof. N. G. Ranga: What is the position in regard to Siam?

The Honourable Dr. Rajendra Prasad: From there we get a very much smaller quantity; the real source of rice supply is Burma.

Mr. E. K. Sidhwa: What was the purchase price paid by the Government of India for this Burma rice and what was the selling market rate in Burma?

The Honourable Dr. Rajendra Prasad: I think there is a great deal of difference, but I could not give the figures offhand now. There is a difference between the procurement price in Burma and the price at which the rice is sold to us.

Mr. R. K. Sidhwa: What is the difference of percentage in the profits?

The Honourable Dr. Rajendra Prasad: I could not say that.

Shri Deshbandhu Gupta: Are we still getting these supplies through Britain?

The Honourable Dr. Rajendra Prasad: Yes.

Shri Deshbandhu Gupta: May I know the method followed by Government in getting its statistics of additional yield for the additional land put under cultivation from year to year?

The Honourable Dr. Rajendra Prasad: We have not got any particular method for finding the additional yield from additional land. All the yield is estimated together as against the previous yield and the difference we take to be due to the extension in cultivation.

RECONSTITUTED FOOD POLICY COMMITTEE

667. ***Prof. N. G. Ranga:** Will the Honourable Minister of Food be pleased to state:

(a) who were the members of the recently re-constituted Food Policy Committee and on what representative basis they were chosen;

(b) why a representative of the Federation of Rural Peoples Organisations was not given a representation on the Committee;

(c) what steps were taken to give adequate representation to the All India Kisan Congress on that Committee;

(d) the purpose for which the recent food delegation to Australia was sent;

(e) who its members were and what their organisational capacity was; and

(f) why the Federation of Rural Peoples Organisations was not invited to send one of its representatives?

The Honourable Dr. Rajendra Prasad: (a), (b) and (c). The Members of the Foodgrains Policy Committee are the following: (1) Sir Purshotamdas Thakurdas, Chairman, (2) Seth Ghanshyam Das Birla, (3) Sir Shri Ram, (4) Dr. Ram Manohar Lohia, (5) Thakur Phool Singh (Member, Indian Constituent Assembly), (6) Shri Dip Narain Singh (Member, Indian Constituent Assembly), (7) Mr. Husain Imam (Member, Indian Constituent Assembly), (8) Mr. Lakshmidas Purshotam, (9) Dr. V. K. R. V. Rao (Professor of Economics, Delhi University), (10) Mr. R. L. Gupta (Director General of Food, Ministry of Food), (11) Mr. D. S. Bakhle (Civil Supplies Commissioner, Bombay), (12) Mr. S. Y. Krishnaswamy (Joint Secretary, Ministry of Agriculture), (13) Mr. D. R. Sethi (Agricultural Development Commissioner, Ministry of Agriculture), (14) Mr. D. N. Mehta (Agricultural Commissioner, Bombay), (15) Mr. R. A. Gopalaaswami (Regional Food Commissioner, Madras).

The members of the Committee were chosen with reference primarily to their personal knowledge and experience of the food problem in different fields of agriculture, industry, commerce, administration and public life. As almost all individuals and organizations are vitally interested in the food policy of the country, it was not considered appropriate that any particular organization should be represented as such. A Press Note was however issued inviting the views of all individuals and organizations interested in the terms of reference of the Foodgrains Policy Committee. The memoranda received in response to this invitation have been given due consideration by the Committee.

(d) and (e). The Members of the Food Delegation to Australia are the following: (1) Sir Kaghunath Paranjpye, High Commissioner for India in Australia, (2) Mr. Vishnu Sahay, Secretary, Ministry of Food, (3) Mr. A. L. Saksena, an officer of the Finance Ministry, (4) Mr. Neville N. Wadia.

The Delegation has been sent to Australia in order to negotiate the purchase of wheat required by this country during 1948.

(f) Having regard to the purpose in view, it was not considered necessary that any particular organization should be represented as such on the Delegation.

Prof. N. G. Ranga: Sir, in view of the fact that some well-known industrialists have come to be represented on these two bodies—the Committee and the Delegation—and also in view of the obvious conflict of interest that there is between the consumers interests and the producers' interests, will Government consider the advisability, at least for the future, of seeing to it that the relevant organisations representing the rural interests and the agricultural interests will be given due representation?

The Honourable Dr. Rajendra Prasad: Certainly, due consideration will be given to any such suggestion when the time comes.

Pandit Lakshmi Kanta Maitra: How long is this Foodgrains Policy Committee going to function and what are its terms of reference?

The Honourable Dr. Rajendra Prasad: The Committee had been asked to investigate two problems—one regarding the present distribution of food which covers the question of control and de-control, and second, how to increase production. The Committee has given its recommendations on the first part; it has not yet considered the second part.

PRE FITTERING BY AUSTRALIA IN FOODGRAINS

668. ***Prof. N. G. Ranga:** Will the Honourable Minister of Food be pleased to state:

(a) whether Government are aware of the fact that when their Food Mission to Australia was being decided upon, the Australian Government chose to raise the level of prices of wheat to the highest extent so far achieved; and

(b) if so, whether Government propose to consider the advisability of appealing to the F. A. O. and Social and Economic Council against this international profiteering in foodgrains?

The Honourable Dr. Rajendra Prasad: (a) and (b). Negotiations with the Government of Australia are being conducted at present. It would be improper to make any comment or to take action as suggested by the Honourable Member before the outcome of the negotiations is known.

Prof. N. G. Ranga: Is it not a fact that Government's own representatives to the Paris Conference of the F.A.O. had complained that there was international profiteering in foodgrains and had to appeal to the F.A.O. Member States that they should put a stop to this profiteering and see that foodgrains are supplied to countries like ours at cost price?

The Honourable Dr. Rajendra Prasad: It is a fact that prices have been charged which, from our point of view, are very high and cannot be considered to be proper. But that is not the case with all countries.

Prof. N. G. Ranga: What is the attitude of the F.A.O.? Are they in any way helping us in securing foodgrains at more reasonable prices?

The Honourable Dr. Rajendra Prasad: The I.E.F.C., which is a sort of branch of the F.A.O., does not concern itself with prices; it distributes the available surplus of foodgrains, and it is left to the parties to settle with the countries concerned the prices at which the grain would be available.

PRODUCTION OF SUGARCANE AND SUGAR

1469. *Prof. N. G. Ranga: Will the Honourable Minister of Food be pleased to state:

(a) whether it is the policy of Government to make every province self-sufficient in the production of sugarcane and sugar;

(b) how many new sugar mills have been started since the end of the war and in what provinces;

(c) what steps are being taken by Government to improve gur industry and also to extract gur out of toddy in those provinces where prohibition is in operation; and

(d) what is the latest position of India in regard to sugar and gur self-sufficiency?

The Honourable Dr. Rajendra Prasad: (a) No; the policy of the Government is self-sufficiency for the dominion as a whole;

(b) One in Bihar;

(c) Steps to improve gur industry have been taken by the different Provincial Governments from time to time according to the nature of problems arising there. The improvements have been mainly confined to improving the process of manufacture with a view to better the quality and yield of gur and the efficiency and design of the furnaces.

As regards palm gur certain Provincial Governments also took steps to develop it. The Government of India have now taken up development of this industry and recently research work has been undertaken to investigate the possibility of using mechanical devices for tapping, better preservation of the juice and the fuel problem. A Palm Gur Development Advisor is being appointed who will tour provinces and advise on schemes for development of palm gur, such schemes being assisted from the Centre as Grow More Food Schemes.

(d) India's annual requirements (excluding Pakistan) are estimated at 12½ lac tons as against this year's production of 9,05,548 tons. The existing factories are capable of producing upto our requirements. The Government of India had appointed a Sugar Panel to consider the immediate post-war expansion of the sugar industry and after considering its report it was decided to set up 45 new sugar factories in the various provinces and States of India. The decision is being reviewed after the partition of the country.

The annual production of gur in India is about 35 lac tons. There is no accurate estimate as to the demand for gur in the country but no shortage has been experienced.

Prof. N. G. Ranga: How many of these proposed new factories are going to be started in Madras Province, and would Government be good enough to consider the advisability of appointing another Panel for the development of the Gur Industry?

The Honourable Dr. Rajendra Prasad: Madras has been allotted six factories.

Prof. N. G. Ranga: In view of the fact that the Honourable Minister has referred to the appointment of a previous Panel for the development of the Sugar Industry, may I suggest that they should appoint another Panel to suggest ways and means for the development of the Gur Industry?

The Honourable Dr. Rajendra Prasad: That has not yet been considered, but it will be considered.

Seth Govinddas: May I enquire from the Honourable Minister if Government are aware that there is not a single sugar factory in C.P. and Berar, and under these circumstances, if any new factory is going to be started?

The Honourable Dr. Rajendra Prasad: One factory has been allotted to C.P. and Berar, out of the new factories which will be built.

Shri S. Nagappa: May I ask the Government whether, in view of the fact that in 16 districts of Madras prohibition has been introduced, there was a petition from the Madras Government asking for permission to open a new factory to produce palm sugar from toddy?

The Honourable Dr. Rajendra Prasad: I have said that steps are being taken to encourage production of gur or sugar from palm juice and the Government of India are just in the process of appointing an Advisor to assist in that enterprise.

Shri Rohini Kumar Chaudhuri: Is the Government aware that there is not a single sugar mill in the province of Assam, and even then no machinery has been allotted to that Province?

The Honourable Dr. Rajendra Prasad: As a matter of fact, two units have been allotted to Assam.

Shri V. I. Munishwami Pillai: Is Government aware that from sugar beet root, good sugar can be produced, and has Government taken any steps to increase the cultivation of sugar beet root in any of the Provinces?

The Honourable Dr. Rajendra Prasad: I shall have to look into the matter. The Honourable Member may put a question.

Prof. Shibban Lal Saksena: Government have said that they are reviewing the position after partition. May I know by what time they would have finished their review and determined how many factories will be put up and where?

The Honourable Dr. Rajendra Prasad: As a matter of fact, the factories have been allotted to the various Provinces and States. Some question may arise as to whether we require all the sugar that we produce when all these factories come into operation. That is being considered.

Prof. Shibban Lal Saksena: May I know how long it will take?

The Honourable Dr. Rajendra Prasad: I do not think it will take very much time.

CONTROL OF KHANDSARI SUGAR AND GUR

670 *Pandit Hirday Nath Kunru: (a) Will the Honourable Minister of Food be pleased to state what steps have been taken in each province to control the prices of Khandsari sugar and Gur?

(b) Have their prices been reduced?

(c) How do they compare with the price of sugar?

The Honourable Dr. Rajendra Prasad: (a) Khandsari sugar is mainly manufactured in U.P. Sugar has been decontrolled from today but the U.P. Government, with the concurrence of the Government of India, have decided to continue control over prices and movement of Khandsari sugar to cover existing stocks only. Gur also has been decontrolled.

(b) and (c). In view of answer to part (a), do not arise.

Pandit Hirday Nath Kunru: The Honourable Minister says that the U.P. Government have decided to have control over the existing stocks. Is it on its price only?

The Honourable Dr. Rajendra Prasad: They have decided to have control over the existing stocks of Khandsari, price and movement both.

Pandit Hirday Nath Kunru: How do they propose to control the price without controlling its distribution?

The Honourable Dr. Rajendra Prasad: As I have said, both price and movement are to be controlled.

Pandit Hriday Nath Kunzru: In other words, do I take it that the U. P. Government will control distribution also for some time more?

The Honourable Dr. Rajendra Prasad: In regard to existing stocks of Khandasuri, yes.

Pandit Hriday Nath Kunzru: May I know what was the controlled price of sugar and what it is today?

The Honourable Dr. Rajendra Prasad: The controlled price of mill-made sugar was Rs. 20-14-0 ex-factory. I cannot say what the price is today.

Pandit Hriday Nath Kunzru: Can the Honourable Minister say whether it has risen considerably and that it is Rs. 56 a maund in Delhi?

The Honourable Dr. Rajendra Prasad: I cannot say.

Pandit Hriday Nath Kunzru: Have the Government de-controlled sugar in order to raise its price?

The Honourable Dr. Rajendra Prasad: No.

Pandit Hriday Nath Kunzru: Then, what is the reason for de-control?

The Honourable Dr. Rajendra Prasad: The reason for de-controlling is one which will lead me into a discussion of the whole question. I shall do it on the 10th.

Pandit Hriday Nath Kunzru: The full policy of de-control?

Mr. Speaker: Yes, the full policy will be discussed, and this will be an incidental discussion in the motion upon de-control.

Prof. Shibban Lal Saxena: Have the Government seen in the Press that the U.P. Government have purchased all existing sugar stocks at Rs. 26 per maund from the sugar factories and have thus given an unearned profit of over Rs. 6 per maund? If so, do they propose to compel the millowners to a lot part of this profit to the labourers and the growers?

The Honourable Dr. Rajendra Prasad: What I understand the U.P. Government have done is this: They are going to fix the wages of labour at Rs. 45 per month and they have also made arrangements with the millowners to purchase sugar cane at Rs. 2 per maund, and on that basis they have fixed the sugar price.

Pandit Lakshmi Kanta Maitra: Has the attention of the Honourable Minister been drawn to the recent statement issued by the Sugar Syndicate in which they have fixed the price of sugar at Rs. 85?

The Honourable Dr. Rajendra Prasad: The Honourable Member may not know that we have also issued an order today freezing all the stocks of sugar with the mills.

Pandit Lakshmi Kanta Maitra: Will the Honourable the Minister please state why the prices claimed by the Sugar Syndicate will not be enforced and why Government has stood in the way?

The Honourable Dr. Rajendra Prasad: We have frozen the stock for the present but an opportunity will be taken to consider the whole thing.

Pandit Balkrishna Sharma: May I know if the freezing order means that sugar will be sold at the existing rate or it shall be sold at the rate which has been fixed by the Sugar Syndicate?

The Honourable Dr. Rajendra Prasad: As I have stated, the Freezing Order has been passed with a view to enabling the Government to take steps as it considers necessary in order to make sugar available at reasonable prices.

Prof. Shibban Lal Saksena: The Honourable the Minister has said about the charges of the price of sugar-cane during the new crushing season. Will he consider giving some of the new profit made on the existing stock of sugar manufactured last season to the growers of sugar-cane who supplied last year?

The Honourable Dr. Rajendra Prasad: That is really a matter for the Provincial Government.

INCREASED SUGAR PRODUCTION

671. *Pandit Hirday Nath Kunzru: Will the Honourable Minister of Food be pleased to state how far the scheme of Government for increasing the production of sugar by 8½ lakhs of tons has been carried out?

The Honourable Dr. Rajendra Prasad: To increase sugar production in the country the Government of India had after considering the recommendations of the Sugar Panel decided to allow the erection of 45 new sugar factories in certain provinces and states and to permit the existing factories to expand their capacity in certain circumstances and within prescribed limits. Licences for the import of machinery for 13 new units have already been issued. Some existing sugar factories have also been granted licences for the import of machinery for extensions. The Government of Assam, Bihar, United Provinces, East Punjab and West Bengal have not yet selected sites and promoters for the units allotted to them. The Government of Bombay have decided not to put up any new factories as long as the present shortage of foodgrains continues. The original plan for the development of the sugar industry will have to be revised in view of the circumstances created by the partition of the country.

PROCUREMENT BONUSES TO AGRICULTURISTS.

672. *Pandit Hirday Nath Kunzru: (a) Will the Honourable Minister of Food be pleased to state what are the provinces in which procurement bonuses were paid during the current year, to persuade the agriculturists to part with their produce?

(b) What was the amount of bonus paid in each of these provinces?

(c) Did the Government of India approve the payment of bonuses?

The Honourable Dr. Rajendra Prasad: (a) Madras, Assam and Bengal.

(b) Madras Re. 1 per maund of paddy. Re. 0-8-0 per maund of millets, Assam Re. 1 per maund of winter paddy. Re. 0-8-0 per maund of Aus paddy.

Bengal Re. 1 per maund of paddy.

(c) As regards Assam and Bengal, the reply is in the affirmative. So far as Madras is concerned, the question is still pending.

Shri Mihir Lal Chattopadhyaya: May I know, Sir, whether any procurement bonuses are given in Bihar?

The Honourable Dr. Rajendra Prasad: No.

Shri S. Nagappa: May I ask the Honourable the Minister when the dispute between the Madras Government and the Central Government is going to be settled?

The Honourable Dr. Rajendra Prasad: The matter is under consideration; it will be settled in due course.

Shri Rohini Kumar Chaudhuri: May I know why was it considered necessary to offer bonuses for procurement of paddy and also what safeguards are taken for preventing the agriculturist from exhausting his own stock by the temptation of getting these bonuses?

The Honourable Dr. Rajendra Prasad: The paddy was needed for deficit areas and therefore procurement had to be made and these bonuses were given as an inducement to the cultivators to part with their paddy.

Shri Biswanath Das: In view of the fact that in certain Provinces this bonus has not been given, would the Central Government be pleased to consider the question whether or not it is fair that such of those Provinces who have not been given these bonuses should be reimbursed with something, so that the agriculturist may get equal benefit throughout India?

The Honourable Dr. Rajendra Prasad: It will be difficult to give retrospective bonus now; but when the demand was made, we conceded that and allowed the procurement on that basis.

Shri S. Nagappa: As regards Madras, may I know, Sir, what is the dispute due to?

Mr. Speaker: Questions on that dispute cannot be put in this House.

Shri Biswanath Das: May I know, Sir, whether the Government of Orissa have or have not protested against this policy and have also requested the Government of India to imburse the agriculturists with the loss that they incurred by this process.

The Honourable Dr. Rajendra Prasad: The Government of Orissa have asked for an increase in the price of rice which was procured in that Province.

Shri Mihir Lal Chattopadhyaya: May I know whether the Provincial Government or the Central Government determines the procurement price of rice and paddy?

The Honourable Dr. Rajendra Prasad: It is done by the Provincial Government, but in consultation with the Central Government and with the sanction of the Central Government.

Shri Mihir Lal Chattopadhyaya: May I know whether the procurement price of paddy is the same for Bengal and Bihar?

The Honourable Dr. Rajendra Prasad: Bengal has been given this One Rupee bonus. Bihar has not been given any bonus.

Shri Mihir Lal Chattopadhyaya: Leaving aside the question of bonus, is the price of paddy the same in Bengal as it is in Bihar?

The Honourable Dr. Rajendra Prasad: I cannot say that.

Shri M. S. Aney: May I know whether the system of giving bonuses does not put a premium upon the unwilling provinces as against those who are willing to help the Government?

The Honourable Dr. Rajendra Prasad: It may amount to that, but we were helpless when we found that the situation was very serious and we had to get the rice at any price and in any way we could.

Shri M. S. Aney: Assuming that the Government was helpless at that time, is it not possible for the Government to be equitable and fair to the provinces which were willing to help after the emergency is over.

The Honourable Dr. Rajendra Prasad: I do not know if it is possible.

Prof. N. G. Ranga: May I know if the Honourable the Minister is aware that in Madras the Provincial Government till now has not paid even a pie of the so-called bonus to the producers because of the dispute not being settled between the Central and the Provincial Government.

The Honourable Dr. Rajendra Prasad: I am not aware of that; if it is so, we shall look into it.

673*. [Postponed to 11th December, 1947.]

POTATO SEED FOR WEST BENGAL

674. *Shri Prafulla Chandra Sen: Will the Honourable Minister of Agriculture be pleased to state:

(a) whether it is a fact that West Bengal requires over three lakhs of potato-seeds every year;

(b) whether it is a fact that Government of West Bengal was allotted fifty thousand maunds of seed-potato from Simla;

(c) whether it is a fact that for the despatch of the seed-potato from Simla, only three wagons per day were allocated to West Bengal from the 3rd of November, which again were reduced to only two per day;

(d) whether Government are aware that, in view of this, only a quarter of the seed allotted to West Bengal from Simla can be despatched;

(e) whether it is a fact that during the year 1946, Bengal was allotted two lakhs and sixteen thousand maunds of potato-seed from Simla and the number of Wagons allotted varied from six to ten per day and on a particular day as many as twenty wagons were given; and

(f) whether Government are aware that, in view of the short supply of seed-potato this year, potato cultivation will suffer in West Bengal causing loss to the potato growers of West Bengal to the extent of Rupees five crores?

The Honourable Dr. Rajendra Prasad: (a) Yes. This is in addition to about 6 lakh maunds of seed potatoes stocked by the growers every year from the previous year's harvest.

(b) 50,000 maunds of seed potato from Simla as originally required by the West Bengal Government were allotted to them. This quota has been subsequently increased to 1 lakh maunds at the request of the Provincial Government by converting their quota of table potatoes to that of seed potatoes.

(c) The East Punjab Railway made available only 15 wagons per day for the transport of seed potatoes from Simla to various provinces including West Bengal. Allotment to the Recipient areas was made on *pro-rata* basis according to which West Bengal got 3 wagons a day. This quota was reduced to 2 wagons per day only for 4 days and has been restored after 23rd November 1947.

(d) The West-Bengal Government have since reported that larger quantities of seed potatoes are arriving in Calcutta from Simla.

(e) In 1946, the Central Government recommended an allotment of 1,50,000 maunds only to United Bengal. This was subsequently increased to 2,16,000 maunds, by the provincial authorities as last year the estimated surplus of Simla potatoes was 7 lakh maunds as against 4,20,000 maunds this year. Number of wagons daily made available to Bengal last year is not known.

(f) According to the Government of West Bengal, the estimated loss resulting from the slow movement of seeds from Simla is expected to be Rs. 1½ crore. This will be further reduced if the remaining supplies from Simla arrive in Bengal within a week. The Central Government have moved the Government of East Punjab in the matter.

Shri Prafulla Chandra Sen: May I ask the Honourable the Minister whether his attention has been drawn to a Press note of the West Bengal Government dated the 27th November regarding the supply of seeds?

The Honourable Dr. Rajendra Prasad: I have not seen the Press Note.

Shri Prafulla Chandra Sen: May I know if it is a fact that the West Bengal Government wanted exchange permits to import seed potatoes from Burma worth Rs. 20 lakhs.

The Honourable Dr. Rajendra Prasad: I think we have granted permit for importing 50,000 maunds of seed potatoes from Burma.

Shri Prafulla Chandra Sen: The West Bengal Government asked for a permit to import seeds worth Rs. 20 lakhs but they were given exchange permit for seeds worth Rs. five lakhs only.

The Honourable Dr. Rajendra Prasad: 50,000 maunds was the quantity asked for by the Provincial Government. In addition they wanted 1 lakh maunds of table potato from Simla. 50,000 maunds of table potato from Simla were allotted to them, but this was later converted to seed potato at the request of the Provincial Government.

Shri Prafulla Chandra Sen: I wanted to know, Sir, whether the West Bengal Government wanted exchange permits for 20 lakhs rupees worth of seed potatoes from Burma?

Mr. Speaker: The Honourable Member is repeating the same question. He has replied to it, I think.

Pandit Lakshmi Kanta Maatra: Is it a fact that notwithstanding the very sympathetic attitude taken by the Honourable Minister for Agriculture and the Honourable Minister for Transport with regard to the supply of seed potatoes to West Bengal, actually no seed potatoes have yet arrived in Bengal?

The Honourable Dr. Rajendra Prasad: I think seed potatoes are arriving now, and whatever is expected will reach there within the next fortnight or so.

Pandit Lakshmi Kanta Maatra: Is the Honourable Minister aware that in the last 15 days the Bengal Government have not received one single wagon though it has been transported from Kalka.—I do not know through whose fault?

The Honourable Dr. John Matthai: There has been a complaint from the Bengal Government with regard to the delivery of seed potatoes, and I have had a meeting with the Finance Minister of the West Bengal Government and special arrangements are being made for the necessary transport facilities. As a matter of fact there are two issues involved in it. The allocation of seed potatoes from Simla is a matter that rests with the Deputy Commissioner of Simla. We are only concerned with the question of providing the transport facilities. The necessary arrangements are being made and I expect that within the next fortnight the deliveries will be completed.

Shri K. Santhanam: Is it the Food Department or the East Punjab Government that is responsible for allocating seed potatoes to the various provinces?

The Honourable Dr. Rajendra Prasad: The surplus is to be declared by the Provincial Government and then the Central Government make the allocations.

Shri K. Santhanam: Is the Food Minister aware that there are complaints about the priority in which these seed potatoes are allocated to the various provinces by the Deputy Commissioner of Simla?

The Honourable Dr. Rajendra Prasad: I have not received any complaints from the Honourable Member's province.

Shri S. V. Krishnamurthy Rao: Has it come to the notice of Government that the allotment of wagons is done in such a way that it takes months to reach distant provinces like Mysore and Madras?

Mr. Speaker: That is a different question and perhaps does not arise out of this.

The Honourable Dr. John Matthai: It does not arise out of this, but the allocation of wagons until a week ago has been on the basis of providing a fair proportion of the transport capacity available between the different provinces. But the position in Bengal now is particularly acute because the sowing season is likely to be over in about a fortnight and therefore we are endeavouring to make special arrangements for that province.

DECONTROL OF FOODSTUFFS

675. *Shri Satish Chandra Samanta: Will the Honourable Minister of Food be pleased to state:

(a) whether Government propose to consider the immediate removal of control over the prices, supply and distribution of Foodstuffs; and

(b) if the answer to part (a) above be in the negative, what are the difficulties in the way of immediate removal of control and how long Government propose to retain the control?

The Honourable Dr. Rajendra Prasad: (a) and (b). The Government of India have taken decisions on the revision of their food policy which have been communicated to the Governments of Provinces and States. A statement in this connection will be made by me on the floor of the House on the 10th instant.

GROW MORE FOOD AND FODDER CAMPAIGN

676. *Shri Satish Chandra Samanta: (a) Will the Honourable Minister of Agriculture be pleased to state how much the Government of India have spent on the Grow More Food and Fodder Campaign up till now?

(b) What is the total acreage of land brought under cultivation and the total amount of wheat, paddy and other cereals produced as a result of the above-mentioned campaign?

(c) What steps Government propose to take to make the campaign a success?

(d) What is the average production of paddy, wheat and other cereals per acre in the different provinces of the Indian Union?

(e) What immediate steps Government propose to take for the development of Agriculture?

The Honourable Dr. Rajendra Prasad: (a) and (b). The Honourable Member may please refer the reply to Question No. 132 on 20th November, 1947, given in this House.

(c) and (e). Five-year targets of food production have been drawn up for each Province and it is proposed to give financial and technical assistance to Provincial Governments for achieving these targets. For details of targets fixed for each Province, reference is invited to reply to Question No. 199 on 20th November 1947.

(d) A statement giving the required information is placed on the table.

Statement showing average yield per acre of principal foodgrains in the different provinces of the Indian Union

(IN LBS.)

Provinces	Rice (cleaned)		Wheat		Jowar		Bajra		Maize		Ragi		Barley		Gram	
	Normal 1945-1936-37	1946	Normal 1945-1936-37	1946	Normal 1945-1936-37	1946	Normal 1945-1936-37	1946	Normal 1945-1936-37	1946	Normal 1945-1936-37	1946	Normal 1945-1936-37	1946	Normal 1945-1936-37	1946
	to	1938-39	to	1938-39	to	1938-39	to	1938-39	to	1938-39	to	1938-39	to	1938-39	to	1938-39
Ajmer-Merwara	...	...	659	581	56	61	90	56	448	206	...	672	922	264	336	...
Assam (excluding Sylhet)	754	911	...	...	...	...	...	...	...	...	...	...	...	...	...	...
West Bengal	895	806	560	498	560	747	747	...	723	747	...	747	517	589	508	...
Bihar	705	565	846	667	568	560	818	626	607	559	683	579	761	675	722	606
Bombay	805	923	391	324	359	198	289	311	747	337	650	710	700	373	320	240
C. P. & Berar	659	604	441	364	508	445	519	411	1,186	638	...	420	395	399	393	...
Coorg	1,449	1,674	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delhi	...	...	823	527	124	498	366	489	1120	747	...	800	640	682	647	...
Madras	1,031	861	...	...	561	397	560	344	964	578	1,047	771	...	434	354	...
Orissa	673	564	560	640	574	472	448	448	560	541	537	500	...	747	747	...
West Punjab	616	515	818	719	161	221	124	294	754	777	...	...	530	449	439	395
United Provinces	637	583	747	641	486	496	362	432	702	851	...	772	747	637	546	...

Prof. Shibban Lal Saksena: Does not the Honourable Minister think that unless more comprehensive measures are taken to improve agriculture we shall not be able to meet our demands, because it involves planning on a large scale? Are any such plans in contemplation?

The Honourable Dr. Rajendra Prasad: That is just what is being done.

DIVERSION OF PETROL WAGONS TO PAKISTAN

†677. ***Shri Damodar Swarup Seth:** Will the Honourable Minister of Railways be pleased to state:

- (a) whether it is a fact that, as reported in the Press, some wagons of petrol belonging to the Indian Union were diverted to Pakistan by some persons;
- (b) if so, whether Government have made an enquiry into this matter; and
- (c) whether the culprits have been found out and duly punished?

The Honourable Dr. John Matthai: (a) The Government have no such information.

(b) and (c). Do not arise.

PRODUCTION OF POTATOES

678. ***Shri K. O. Gajapati Narayan Deo:** (a) Will the Honourable Minister of Agriculture be pleased to state whether Government are aware of the growing demand in rural areas all over India for potatoes as a food crop and whether there is inadequate supply of seeds at present for the producers?

(b) What arrangements Government propose to make to meet this growing demand?

(c) Has any soil survey been made both on the hills and plains and any publicity given to increase the production of this important food crop as an asset to the producers?

The Honourable Dr. Rajendra Prasad: (a) The answer to both parts of the question is in the affirmative.

(b) Government propose to meet the growing demand, (i) by assisting in the movement of seed potato from Simla to the plains, (ii) by allowing imports of a larger quantity from Burma, and (iii) by encouraging the provision of cold storage facilities in the growing areas.

(c) No Soil survey has yet been made but increasing the production of potato and other vegetables has been encouraged as a part of the Grow More Food Campaign. The question of undertaking the Soil Survey and other measures necessary for the development of potato cultivation will be taken up by the Central Potato Research Institute which is shortly to be established.

Shri K. O. Gajapati Narayan Deo: Are Government aware that the supply of seed potatoes to Vizagapatam and Ganjam is very short?

The Honourable Dr. Rajendra Prasad: I cannot say about any particular district whether the supply is short or not.

Shri K. O. Gajapati Narayan Deo: May I know what arrangements are being made by the railway authorities to supply seed potatoes from Ootacamund to Vizagapatam district?

The Honourable Dr. John Matthai: I shall require notice of that question.

Shri Biswanath Das: Have Government heard the complaint that these seeds are supplied generally to the agriculturists some time after the growing season? If so, what steps have they taken to rectify it?

The Honourable Dr. Rajendra Prasad: We try our best to move the seeds to the areas in time for being sown.

†Answer to this question laid on the table, the questioner being absent.

Shri K. O. Gajapati Narayan Deo: Do Government propose to popularise the results of soil survey by publication in handbills in popular vernaculars in different provinces?

The Honourable Dr. Rajendra Prasad: When the survey has been made we would certainly like to popularise it.

Shri V. I. Munishwami Pillai: Are Government aware that quantities of seed potatoes that were set aside this year for the various provinces by the Madras Government have not been taken advantage of and are therefore used for edible purposes? Will Government now communicate with the Government of Madras for the seed supply from the present crop?

The Honourable Dr. Rajendra Prasad: All that we can do is to supply the seed; it is for the Provincial Government to make the best use of it and not to allow it to be used for food.

Shri S. V. Krishnamurthy Rao: Has it come to the notice of Government that the importers of seed potatoes from Burma are finding it very difficult to get import licences here in Delhi?

The Honourable Dr. Rajendra Prasad: I should like to have information about that; I will look into it if there is any complaint.

Shri K. O. Gajapati Narayan Deo: Who controls the transport from Mettupalayam to other parts of the Madras Presidency?

The Honourable Dr. John Matthai: The Regional Controller of Railway Priorities in Madras.

SUPPLY OF AMMONIUM PHOSPHATE

679. **Shri K. O. Gajapati Narayan Deo:** (a) Will the Honourable Minister of Agriculture be pleased to state whether Government are aware that Amaphos (Ammonium Phosphate) is an effective and useful substitute for green manure to encourage plant growth?

(b) Are Government aware of its great demand for sugarcane and paddy?

(c) Are Government aware that its supply is most inadequate today throughout India?

(d) What machinery is being set up to supply the public with this chemical manure?

The Honourable Dr. Rajendra Prasad: (a) Ammonium Phosphate is a chemical fertiliser whereas Green manure is an organic manure. The Government are, however, aware that Ammonium Phosphate is a very useful fertiliser for crop production in India.

(b) Yes.

(c) Yes.

(d) At present the only source of supply is through imports from abroad. Since this fertiliser is in very short supply due to increase world demand, we are only able to obtain whatever is allotted to us by the International Emergency Food Council and supply the provinces and states *pro rata* to their requirements.

Prof. H. G. Banga: Is it not a fact that experiments made at the Pusa Institute prove that ammonium phosphate is no substitute for green manure but that green manure when mixed with a small quantity of ammonium phosphate yields much better results?

The Honourable Dr. Rajendra Prasad: As far as I know it is a fact that the result of experiments at the Pusa Institute shows that green manure mixed with phosphate gives better results.

PRODUCTION OF VIRGINIA TOBACCO

680. *Shri K. O. Gajapati Narayan Deo: (a) Will the Honourable Minister of Agriculture be pleased to state whether Government are aware that virginia tobacco is the most remunerative crop in India?

(b) Has any soil survey been conducted throughout India and publicity given to increase the area under Virginia Tobacco?

The Honourable Dr. Rajendra Prasad: (a) No such comparative study of the cost of production of various crops and the prices obtained for each by the grower has been carried out for the whole country.

(b) No.

Prof. N. G. Ranga: Are Government aware that recently there has been a slump in the prices for tobacco? If so, will Government consider the desirability of asking tobacco growers not to place so much of their land under tobacco?

The Honourable Dr. Rajendra Prasad: That question hardly arises out of this.

Dr. B. Pattabhi Sitaramayya: Are Government aware that the progressive cultivation of Virginia Tobacco in the Madras Presidency has deprived the country of the food products which were usually grown there and has led to marked scarcity of foodgrains?

The Honourable Dr. Rajendra Prasad: As I understand, there is a great deal of land in the Guntur District particularly which is being used for tobacco cultivation. It will certainly have some effect on the food production.

Dr. B. Pattabhi Sitaramayya: Will Government be pleased to consider the advisability of restricting the land possessed by a particular holder to a certain portion only in respect of tobacco as against food crops?

The Honourable Dr. Rajendra Prasad: That is a matter for the Provincial Government.

(b) WRITTEN ANSWERS
IMPORT OF TOBACCO

681. *Shri K. O. Gajapati Narayan Deo: Will the Honourable Minister of Agriculture be pleased to state:

(a) whether any statistics are being maintained of the quantity of tobacco that is being imported into this country from abroad to feed the cigarette factories in India;

(b) whether the figures under import are increasing or decreasing;

(c) whether the quality of tobacco grown in India both indigenous and Virginia is up to the standard necessary for manufacture of good cigars and cigarettes; and

(d) if the answer to part (c) above be in the negative, what measures are Government taking to improve the quality of Indian tobacco as a measure of economic help to the Indian producer?

The Honourable Dr. Rajendra Prasad: (a) Yes.

(b) Imports during recent years have increased as compared with the pre-war triennium ending 1939-40.

(c) No.

(d) The Indian Central Tobacco Committee is enlarging the scope of work at the Tobacco Sub-Station at Guntur by converting it into an Experimental Research Station and is setting up a Central Tobacco Research Station at Rajahmundry for studying all fundamental problems relating to tobacco.

MEAT RATIONING IN INDIA.

The Committee has also taken up the question of cultivating the right types of tobacco required for the manufacture of cigars and is establishing an Experimental Station for research work devoted to this type of tobacco.

662. *Shri B. B. Diwakar: (a) Will the Honourable Minister of Food be pleased to state whether Government are aware that in Bombay city alone, in the year 1946-47, the total amount of meat consumed was about 15,000 tons?

(b) Are Government aware that meat is not rationed in this country?

(c) Are Government aware that those who eat meat also draw full rations in cereals and other foodgrains?

(d) In view of the utter scarcity of food in this country, do Government propose to ration meat as in England?

(e) Are Government aware that the Foodgrains Policy Committee has recommended the adoption of the 'Point System' or the Slip System whereby the bringing of meat and fish under ration can be facilitated?

(f) Do Government propose to accept the above recommendation of the Food and Grains Policy Committee so that the quantity of meat or fish may be set off against equally nutritive quantities of cereals or grains?

(g) Are Government aware that the nutritive value of meat and fish is equal to or even more than cereals quantity by quantity?

The Honourable Dr. Rajendra Prasad: (a) and (b). The replies are in the affirmative.

(c) Meat-eaters are not prevented from drawing full rations of cereals and other foodgrains as others but it is not known whether they actually do so.

(d) No. Because rationing of meat is impracticable as it will present insuperable administrative difficulties and is not worth the trouble and expense involved.

(e) No. The Foodgrains Policy Committee commended to Provinces for examination the suggestion that arrangements be instituted with a view to ensuring that some part of his cereal ration is surrendered by a consumer who buys meat in proportion to the quantity of meat purchased by him. The Provinces are not in favour of the proposal.

(f) No.

(g) Meat and fish have more protein values but less energy values than cereals.

FRUIT PRODUCTS CONTROL ORDER, 1946.

663. *Kunwar Shamsher Jang: (a) Will the Honourable Minister of Agriculture be pleased to state whether the attention of Government has been drawn to the fact that none of the provisions contained in the Fruit Products Control Order, 1946, promulgated under the Defence of India Rules have been strictly enforced by the officers concerned and whether Government have received any reports on the working of this Control Order?

(b) If so, what action have Government taken to remedy the evil?

(c) If not, do Government propose to investigate the matter?

(d) Are Government aware that a large number of so called Fruit Preserving Factories in India are not upto the standard required by the said Control order and are incapable of any improvement?

(e) Is it a fact that some factories were reported unfit but they are still manufacturing Fruit products and are marketing them under Government Licences?

(f) Is it a fact that no Doctor or Hygiene Expert has been appointed to look after the hygienic conditions of these factories?

The Honourable Dr. Rajendra Prasad: (a), (b) and (c). Reports reaching this Ministry indicate that the promulgation and enforcement of the Fruit Products Control Order, 1946, have effected considerable improvement in the industry. In view of the genuine difficulties felt by manufacturers in complying strictly at once with all the provisions of the Order, Government did not enforce it strictly at the beginning. Since May last, after due warning to the industry, the provisions are being strictly enforced.

(d) and (e). As stated already Government recognise the difficulties of manufacturers and so while issuing licences granted them time to effect the necessary improvements. Factories incapable of improvement are being gradually weeded out.

(f) Yes.

CENTRAL INSTITUTE OF FRUIT TECHNOLOGY IN DELHI

684. *Kunwar Shamsher Jang: Will the Honourable Minister of Agriculture please state:

(a) whether it is a fact that Government propose to set up a Central Institute of Fruit Technology in Delhi for the purpose of carrying out experiments in the preservation of fruits grown all over the country?

(b) If so, what are the reasons for selecting Delhi for this purpose specially when it is not a fruit growing area?

(c) Has the attention of Government been drawn to the fact that fruits grown in various areas of the country cannot be transported to Delhi, without deterioration for research purposes due to non-availability of refrigerated transport in this country?

(d) Are Government aware that the development of the fruit preservation industry can be achieved better and more efficiently by having a number of regional research stations in the principal fruit growing areas rather than by having a central Institute at Delhi?

The Honourable Dr. Rajendra Prasad: (a) and (b). The Institute of Fruit Technology proposed to be set up at Delhi is meant to carry out research on the preservation and nutritive problems of fruits and vegetables, to import training on the subject to students coming from all over India, to give advice to prospective manufacturers of fruit products and to co-ordinate the work of similar institutes located in other parts of the country. It will consist of a research laboratory and also function as a teaching institute. Delhi has been selected as a suitable location in view of the other allied research institutes already located at Delhi.

(c) Apart from the main objectives of the Institute, Government are satisfied that the fruit-growing areas close to Delhi justify the proposed location of the Institute.

(d) Government are satisfied that, in the present stage of development of the Fruit Preservation Industry, the setting up of a Central Research Institute of this type is necessary and economical. The setting up of regional research stations in the fruit growing areas which will also help in the development of the Fruit Preservation Industry is also under consideration.

DELAYED DELIVERY OF LETTERS AND TELEGRAMS

685. *Shri Damodar Swarup Seth: Will the Honourable Minister of Communications be pleased to state:

(a) the reasons for the delay in the delivery of all sorts of letters and telegrams; and

(b) the steps Government have so far taken to remedy the general complaint?

The Honourable Mr. Rafi Ahmed Kidwai: The attention of the Honourable Member is drawn to the reply given to starred question No. 156 by Shri Gopal Narain on the 20th November 1947.

INCREASED JUTE PRODUCTION IN INDIA

686. *Shri Damodar Swarup Seth: Will the Honourable Minister of Agriculture be pleased to state:

(a) the approximate quantity of jute required for the use of the Indian Union;

(b) the quantity of Jute grown in the Indian Union; and

(c) the measures which Government propose to take to increase the production of Jute in India?

The Honourable Dr. Rajendra Prasad: (a) The quantity of jute required annually for the use of the Indian Union is 64 lakh bales of 400 lbs. each, composed of 62½ lakh bales for mill consumption and 1½ lakh bales for domestic consumption in villages.

(b) The annual production varies from year to year. The average production during the years 1936-37 to 1940-41 was 20.2 lakh bales and that during 1941-42 to 1945-46 was 14.8 lakh bales. The Bengal Jute Regulation Act came into force in 1940. The estimate for the 1947-48 crop is 17 lakh bales.

(c) The Government of India have asked the Indian Central Jute Committee to submit proposals for intensive research both into the agricultural and technological problems of the jute industry and they have been asked to submit concrete proposals for increasing the production of jute, without encroaching upon the area under food crops, in the Indian Dominion. This subject will be considered at the meeting of the Committee to be held from the 10th to the 18th December, 1947, and suitable action will be taken on receipt of their proposals.

CATTLE FOR AGRICULTURAL PURPOSES.

687. *Shri Ram Sahai: (a) Will the Honourable Minister of Agriculture be pleased to state what has been the average increase in the census figures during the last 50 years and what has been the average fall, in the number of cattle, cows and bullocks, that can be used for agricultural purposes?

(b) Have Government any schemes under consideration, by which agriculturists can conveniently procure oxen at cheap rates?

(c) If the answer to part (b) above be in the affirmative, what are those schemes?

(d) What schemes have Government under consideration for the protection of cattle that can be used for agricultural purposes?

The Honourable Dr. Rajendra Prasad: (a) The average annual increase in the human and cattle census figures relating to pre-partition Indian Provinces between 1915 and 1945 for which only comparable figures are available was 2.6 millions and 17 thousands respectively. During the 10 years ending 1945 the average annual increase in the human population was 8.9 millions while the

cattle population declined by 350 thousands per year. The average annual fall in the number of cows and bullocks that can be used for agricultural purposes during the ten years ending 1945 was 20,000.

(b) No.

(c) Does not arise.

(d) This is primarily the concern of Provincial Governments. The Government of India have however sanctioned grants for two schemes of the Bombay Government for the immunization of cattle against diseases. A proposal to appoint a technical officer and a Standing Rinderpest Committee to consider the ways and means of eradication of rinderpest in India is also under consideration. Besides this the slaughter of male cattle between 3 to 10 years of age which are used or likely to be used as work cattle is prohibited in some of the Provinces and export of cattle outside India is also prohibited. Government of India have recently set up a Committee to advise Government on other measures necessary for conserving and improving the Cattle Wealth of the country.

ENCOURAGEMENT OF COTTAGE INDUSTRY

688. *Shri Ram Sahai: (a) Will the Honourable Minister of Industry and Supply be pleased to state the names of cottage industries to be encouraged by Government?

(b) What schemes have been given effect to and at what places?

(c) What schemes have not yet been given effect to and how long will it take to give effect to them?

The Honourable Dr. Syama Prasad Mookerjee: (a) Development of cottage industries is primarily the responsibility of the Provincial Governments. The subject has, however, been included in the agenda of the forthcoming Industries Conference with a view to discussing what assistance, if any, should be given by the Central Government.

(b) and (c). Do not arise.

EXTENSION OF MYSORE RAILWAY

689. *Shri S. V. Krishnamoorthy Rao: Will the Honourable Minister of Railways be pleased to state:

(a) whether it is a fact that the Government of Mysore have been pressing on the Government of India the necessity of linking up Erode on the South India Railway with Chamarajnagar on the Mysore Railways, so as to give a direct metre gauge connection to the South and also Chitaldrug Rayadurg;

(b) whether the Government of Mysore have sought permission to extend the Mysore Railway from Chamarajnagar to Sateyamanjalam;

(c) whether any steps are taken to survey the line and if so, by whom; and

(d) when the actual construction of the line is likely to be taken up?

The Honourable Dr. John Matthai: (a) The Government of Mysore have been keen on providing a metre gauge connection between their System and the S. I. Railway system. The proposal of linking Chamrajnagar with Erode was, however, abandoned in 1928 when the Erode-Trichinopoly Chord Line was converted from Metre Gauge to Broad Gauge.

No proposal for linking Chitaldrug on the Mysore State Railway with Rayadurg on the M. and S. M. Railway appears to have been received.

(b) The Mysore Government have sought for inclusion of the Railway project from Chamrajnagar to Mettupalayam via Satyamangalam in the Government of India's Post-war plan, for allotting it a high priority, and for having necessary surveys undertaken.

(c) An aerial survey has recently been carried out by the Survey of India at the cost of the Mysore State. An estimate for the land survey, both Traffic and Engineering, has been sent by the S. I. Railway to the Mysore Government for acceptance. Since the project lies in the sphere of influence of the S. I. Railway, the survey will be carried out by the S. I. Railway Administration in consultation with the M. and S. M. Railway and Mysore Railways. A Traffic Officer of the Mysore State Railway will be associated with the fresh Traffic Survey.

(d) It is not possible to say at this stage when the actual construction will be taken up.

IMPORT OF ARECA

690. *Shri S. V. Krishnamoorthy Rao: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the quantity of areca that has been imported into India from Singapore and Eastern Pakistan during the current year;

(b) whether the price of areca has fallen on account of the imports;

(c) what restrictions are proposed to be imposed to check the imports;

(d) whether it is a fact that the areca growers in India have made several representations for the removal of excise duty on areca; and

(e) the amount of duty collected during the years 1945-46, 1946-47 and 1947-48?

The Honourable Dr. Syama Prasad Mookerjee: The question has been transferred to the List of questions for the 12th December 1947, when it will be answered by the Honourable Minister for Commerce.

FRUIT DISEASE IN ARECA NUT

691. *Shri S. V. Krishnamoorthy Rao: Will the Honourable Minister of Agriculture be pleased to state:

(a) whether any research has been carried out into the causes and prevention of fruit disease in areca nut;

(b) if so, with what result; and

(c) how many research institutes are working and where?

The Honourable Dr. Rajendra Prasad: (a) Research on causes and prevention of diseases of areca nut was conducted from time to time. Early in this century investigations were conducted by Dr. Butler in the then Imperial Agricultural Research Institute at Pusa. The Bombay Government also carried out some investigations and the Mysore State maintained an experimental farm where some diseases were studied. Much, however, still remains to be done.

(b) The investigations so far conducted have reached only tentative conclusions which remain to be confirmed.

(c) There is no research institute at present engaged in work on diseases of areca nut. The Indian Council of Agricultural Research is now setting up an Areca nut Committee which among other matters will also conduct systematic research in the pests and diseases and their cure.

INCREASE IN BASIC RATION OF RICE IN MYSORE ETC.

692. *Shri S. V. Krishnamoorthy Rao: Will the Honourable Minister of Food be pleased to state:

(a) whether Government are aware that the basic ration of food in Mysore, Cochin, Travancore and Pudukottai is only 8 oz. while in all other provinces and States it is 10 oz;

(b) whether Government are aware that in all these areas rice is the staple food;

(c) whether any steps have been taken to increase the quota of rice allotted to the said States so that the basic ration may be raised to at least 10 oz. and

(d) if so, what are the quantities of rice and wheat allotted for the months of November and December 1947, to these States?

The Honourable Dr. Rajendra Prasad: (a) Yes, except that in a few other States also, the basic ration is below 10 oz.

(b) Yes.

(c) The maximum possible quotas are being allotted to the States in question.

(d) The allotments for November and December are:

	November			December		
	Rice	Wheat	Millets	Rice	Wheat	Millets
Mysore	6,750	5,000	15,200	5,000	2,000	13,000
Cochin	3,000	3,200	..	5,000	2,000	3,000
Travancore	13,500	14,000	..	12,000	4,000	8,000
Pudukottai	720	..	80	720	..	80

TINPLATE FACTORIES

693. *Shri Ramnarayan Singh: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the number of tinsplate factories in the country;

(b) the principles followed in allotment of quotas to them; and

(c) Government's policy as to whether they encourage or discourage any further increase in the number of factories?

The Honourable Dr. Syama Prasad Mookerjee: (a) One, Sir.

(b) I presume the Honourable Member is referring to allotment of raw materials. The full quantity of tinbars produced in the country and a considerable proportion of tin available in India is allotted to the Company.

(c) There will ultimately be scope for further expansion of the Tinplate Industry. Government is unable to encourage extensions to the existing factory or an increase in its number until steel supplies are sufficient to meet the needs of the existing plant.

AMRAOTI-BADNERA MOTOR SERVICE

694. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Railways be pleased to state the condition on which the present Amraoti-Badnera motor service was started?

(b) Are Government aware that the Motor fare is Re. -/3/6 per passenger while the railway fare is only Re. -/2/-?

(c) Do Government propose to reduce the motor fare to Re. -/2/- per passenger only?

(d) When does the present agreement with the motor service company expire?

(e) Do Government propose to nationalize this Amraoti-Badnera motor service when motor services are nationalized by the Provincial Government? If not, why not?

The Honourable Dr. John Matthai: (a) The Amraoti-Badnera Motor Service was inaugurated in June 1945, by the Central Provinces Transport Services, Ltd., Nagpur.—a road undertaking with which the G. I. P. Railway and the C. P. Government are associated.

(b) The bus fare of annas 8½ per passenger is in accordance with the scale of road fares sanctioned by the C. P. Government for that Province.

(c) The level of road fares is a provincial responsibility.

(d) This is a matter for the C. P. Government, but so far as the Government of India are aware, operation on this route, as on other routes, is authorised by permits issued by the Transport Authorities and no agreement as such exist.

(e) The Provincial Government have declared their intention to nationalise all road services in the Province.

SOAP FACTORIES IN WEST BENGAL.

695. *Shri Basanta Kumar Das: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether Government are aware that a large number of soap factories, especially in West Bengal, have lost their existence during the communal disturbances in that province; and

(b) whether it is a fact that their quota of caustic soda, has been discontinued and if so, whether Government propose to take any steps in that behalf?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). Details are being ascertained of soap factories which have closed down owing to communal disturbances. Orders regarding the discontinuance of supplies of caustic soda will be issued as soon as these details are available.

SALT AS A COTTAGE INDUSTRY.

696. *Shri Basanta Kumar Das: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether Government are aware that as a result of the Gandhi-Irwin Pact of 1931 the preparation of salt became an important cottage industry in the coastal areas, affording means of livelihood to quite a large number of people:

(b) whether Government are aware that this industry has suffered considerably because of the fact that the firewood-plants available on the sea-shore and the banks of salt-water rivers which supplied fuel for the preparation of salt have been mostly uprooted in consequence of the cyclone and tidal bore in 1942; and

(c) if the answers to parts (a) and (b) above be in the affirmative, what steps Government propose to take to improve the situation and to establish salt as a cottage industry for the poorer class of people?

The Honourable Dr. Syama Prasad Mookerjee: (a) Manufacture of salt in the coastal areas of Midnapore, Tamlok, Contai and parts of Sunderbans was practised on a moderate scale in the coastal areas in the period following the announcement of Gandhi-Irwin Pact. It afforded some means, of livelihood to a few thousand people in the coastal areas.

(b) Yes.

(c) The salt industry in the coastal areas of West Bengal is proposed to be developed by an attempt to introduce solar evaporation methods in the existing cottage industry. The Bengal Government are also making an extensive survey of the Midnapore Coastal Area with the object of extending salt manufacture.

PRODUCTION OF SODA ASH.

697. *Shri Basanta Kumar Das: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the total quantity of soda ash produced in India in the years 1946 and 1947 and the names of the manufacturers with their annual output;

(b) the total quantity of soda ash imported from abroad during the years 1946 and 1947;

(c) whether the quantity produced in this country together with the imported quantity is enough to meet our present requirements and if not, what the amount of shortage is; and

(d) how Government propose to meet the shortage?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). A statement giving the desired information is laid on the table of the House.

(c) No. Sir; we are short of our requirements by about 30,000 tons per year.

(d) By assisting the existing works, whose potential capacity is about 55,000 tons, to produce the maximum quantity possible; by encouraging the installation of new capacity and by increasing imports in the mean time.

Statement

Production of Soda Ash in 1946 & 1947

(a)

Name of the firm	Production in 1946	Production during the first half of 1947	Estimated Production during the second half of 1947
	Tons	Tons	Tons
Alkali & Chemical Corporation of India, Khewra.	18,339	11,436	*
Dhrangadra Chemical Works, Dhrangadra	12,629	4,000	6,000
Tata Chemicals, Mithapur	1,275	Nil	500
	32,243	15,436	6,500

*Khewra is now situated in Pakistan.

(b)

IMPORTS

1946	1947 (Estimated)
70,000 tons	50,000 tons

MANUFACTURE OF BISCUITS.

698. *Shri Basanta Kumar Das: Will the Honourable Minister of Food be pleased to state:

(a) the names of manufacturers of biscuits to whom a quota of wheat-flour has been allotted this year and the quantity allotted to each of them;

(b) whether in the matter of allotment of flour, the standing of a company is taken into consideration as one of the factors or the sole factor and if so, what limit is put thereto;

(c) whether any biscuit companies have been refused supply of flour this year because of their being of comparatively shorter standing and if so, what their names are; and

(d) if the answer to part (c) above be in the affirmative, how Government propose to keep such biscuit companies working?

The Honourable Dr. Rajendra Prasad. (a) A statement is placed at the table of the House

(b) No.

(c) and (d). In view of reply to part (b) the question does not arise.

Statement showing the allotment of Flour to Biscuit Factories during 1947

Name of Biscuit Factories	Quality Allotted (In tons)	
	From Patials	From Imports
1. M/s. Delhi Biscuits Co., Ltd., Delhi	18	14
2. „ Modi Supplies Corps., Ltd., Begumabad	135	48
3. „ Paris Products Mfg., Co., Bombay—2.	55	40
4. „ Satho Biscuit Co., 820, Bhawani Peth Poona—2.	71	52
5. „ Britannia Biscuit Co., Ltd., Reay Road East, Mazagon, Bombay.	95	141
6. „ Britannia Biscuit Co., Calcutta . . . . .	..	194
7. „ Lily Biscuit Co., Calcutta	82	59
8. „ Shama Biscuit Co., Calcutta	27	21
9. „ Patials Biscuit Mfg. Co., Rajpura Patials	17	..
TOTAL	500	559

N.B.—A further quantity of 659 tons wheat flour is being allotted during December 1947 of the All India Biscuit Manufacturers Association for allocation to its member factories.

FLUCTUATION IN SUPARI PRICES.

999. *Shri S. V. Krishnamoorthy Rao: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether Government are aware that the price of round supari has fallen by 20 per cent. during the past few weeks and that it is still going down;

(b) whether Government are aware that the fall in price is due to the smuggling of supari from Eastern Pakistan area not only of Eastern Pakistan supari but also of supari imported from Singapore through Pakistan ports to avoid import restrictions;

(c) whether representations have been received by the Government of India from the Karnataka and Mysore Areca growers' Association in this connection; and

(d) what action Government propose to take to check the fall in the price of areca and to restore its original price?

The Honourable Dr. Syama Prasad Mookerjee. The question has been transferred to the List of questions for the 12th December, 1947, when it will be answered by the Honourable Minister for Commerce.

NEW RAILWAY LINES IN BIHAR.

700. *Shri Ramnarayan Singh: Will the Honourable Minister of Railways be pleased to state the stage at which the newly proposed railway lines in the province of Bihar, particularly in the Chotta Nagpur Division, stand to-day?

The Honourable Dr. John Matthai: A statement is placed on the table containing a list of 9 projects under investigation which lie wholly or partially in the Province of Bihar.

Of these, the first 6 projects lie wholly or partly in the Chota Nagpur Division. Construction has been sanctioned of the first 40 miles of the Barwadih-Chirimiri Project. The remaining projects are still under investigation.

Statement

- (i) Tori-Birmirapur.
- (ii) Gaya-Ranchi.
- (iii) Barkagaon-Hazaribagh-Giridib.
- (iv) Barwadih-Chirimiri.
- (v) Barwadih-Manikpur.
- (vi) Conversion of Purnia-Lohardaga from N. G. to B. G.
- (vii) Sitamarhi-Sonbarsa.
- (viii) Chakia-Alwalia-Sidhwalia.
- (ix) Murliganj-Duram-Madhepura.

RAILWAY WORKSHOPS IN INDIA AND PAKISTAN.

701. *Shrimati Renuka Ray: (a) Will the Honourable Minister of Railways be pleased to state the number of Railway Workshops in India and in Pakistan?

(b) Is it a fact that the plant and equipment of a Railway Workshop are being transferred to Pakistan area and if so, the reasons for such transfer?

The Honourable Dr. John Matthai: (a) A list of workshops under the Mechanical Department only of Railways falling under India and Pakistan is being tabled. Indian Government Railways have been addressed to furnish a comprehensive statement of all the workshops under the control of different departments and this information will be placed in the Library of the House in due course.

(b) No. A few ticket printing machines from the Ticket Printing Press, Lahore are, however, to be transferred to India.

Mechanical Department Workshop of Class I Government Railways India.

Railway	Gauge	Description of workshops	Location	Remarks
1	2	3	4	5
Assam	M. G.	Locomotive, Carriage and Wagon	Dibrugarh	
B.B.&C.I.	B. G.	Locomotive	Dohad	
		Carriage	Ahmedabad	
		Carriage	Parel	
		Wagon	Baroda.	
		Wagon	Mahalaxmi.	
		Wagon	Gangapur City.	
	M. G.	Locomotive, Carriage and Wagon.	Ajmer.	
		Wagon	Mhow.	
		Wagon	Abu Road.	

Railways	Gauge	Description of workshop	Location	Remarks
1	2	3	4	5
B.N.	B. G.	Locomotive Carriage and Wagon	Kharagpur. Kharagpur.	
E.I.	B. G.	Locomotive Locomotive *Locomotive †Carriage and Wagon Carriage and Wagon Carriage and Wagon Wagon	Lucknow. Jamalpur Kanchrapara. Kanchrapara. Lucknow. Lillooah. Ondal.	*For B.G. M.G. and N.G. †For B.G. & N.G.
G.I.P.	B.G.	Locomotive Carriage and Wagon Carriage and Wagon	Parel. Matunga. Jhansi.	
M. and S. M.	B.G.	Locomotive Carriage and Wagon	Perambur. Perambur.	
	M. G.	Locomotive, Carriage and Wagon	Hubli	
E.P.	N. G.	Carriage	Kalka.	
O. T.	M. G.	Locomotive, Carriage and Wagon. Locomotive, Carriage and Wagon.	Gorakhpur. Izatnagar.	
S. I.	B. G. and M.G.	Locomotive, Carriage and Wagon.	Golden Rock.	
<i>Pakistan</i>				
N. W.	B. G.	Locomotive Carriage and Wagon	Moghalpura. Moghalpura.	
E. B.	M. G.	Locomotive, Carriage and Wagon. Locomotive, Carriage and Wagon.	Dacca. Saidpur.	

DETENTION OF RAILWAY WAGONS IN PAKISTAN.

702. *Shrimati Renuka Ray: Will the Honourable Minister of Railways be pleased to state:

(a) whether any trains and/or wagons sent to Pakistan with passengers and/or goods have not been returned to India; and

(b) if so, whether Government have taken or propose to take any action in this connection?

The Honourable Dr. John Matthai: (a) Yes.

(b) Constant watch is kept by the Indian Railways concerned on rolling stock sent to the Pakistan Railways and when delays necessitate, reference is made to the Ministry of Communications (Railway Department), Government of Pakistan, by the Railway Board.

NATIONALISATION OF AIRLINES.

703. *Shrimati Renuka Ray: Will the Honourable Minister of Communications be pleased to state:

(a) how many private airline companies have been licensed;

(b) whether any proposal is being considered to consolidate these companies on the lines of the B.O.A.C.; and

(c) whether Government have taken any decision regarding the nationalisation of airlines; if not, whether Government propose to consider the proposal in the near future?

The Honourable Mr. Rafi Ahmed Kidwai: (a) The Air Transport Licensing Board have granted licences for the operation of air services in India to 8 companies.

(b) No, Sir.

(c) The question of organisation of air services has been carefully reviewed by the present Government, particularly with reference to the operation of an air service between India and United Kingdom. As regards external services, I lay on the table of the House a copy of an announcement recently made in the press on the scheme for the operation of an Indian air service between India and the United Kingdom. It will be observed that the organisation which will undertake the operation will be a joint Government-Company enterprise in the capital of which Government will hold 49 per cent. with the right to acquire at any time a clear majority holding. The day-to-day management will be with a company which has established a name in civil air transport as well as in other fields of commerce. Losses, if any, will be made good to the company by Government by payment of subsidies which are repayable from subsequent profits. Profits in excess of 5 per cent. after repayment of subsidies, if any, will be shared equally by the Government and the Company.

Similar principles will apply to other external air operations also.

As regards internal air services, Government have not yet taken any decision. They will shortly place the matter before the Standing Advisory Committee attached to the Ministry of Communications.

PRESS NOTE

Indian Air Service to Europe.

Government approves formation of new Company.

It is announced that the Government of India have approved of the early establishment of an Indian air service to Europe. For this purpose a new Company is being formed under the name of "Air-India International, Limited", with an authorised capital of Rs. 7 crores and an initial paid-up capital of Rs. 2 crores, out of which the Government of India will acquire 49 per cent. with an option to acquire at any time a further two per cent. so as to bring up their holding to 51 per cent. of the total. Government will have a number of Directors on the Board of the Company. The Chairman will be a Director approved by the Government of India.

The Service which will operate between Bombay and London *via*, Cairo, and one stopping place on the Continent, will be equipped with the latest model of the Lockheed "Constellation" aircraft, the leading long-range, high speed, four-engined transport in the world today. The service is expected to be inaugurated at the beginning of May, with an initial frequency of two a week in each direction. The frequency will subsequently be increased as the organization and traffic develop.

Air-India Limited will be in charge of the technical management of the new Company, and will provide crews and all operational and engineering services. Air-India will also act as Chief Booking Agents in India. Action will now be taken by the Government of India to negotiate bilateral agreements with the countries lying on the route.

The scheme represents a new and interesting experiment in joint State and private enterprise. Amongst its striking features is the fact that, as the largest share-holder in the Company, with a right to acquire at any time a clear majority holding, the Government of India will have effective control over the policies and operations of the Company thus safeguarding in full the national interests including those of the tax-payer and consumer. At the same time, by entrusting the day-to-day management of the Company to a sector of private enterprise well-established and highly experienced in the field of air transport, the important objective of efficient management based on commercial principles will be achieved.

The financial terms and provision of the arrangement approved by Government are also of special interest. Under the scheme, the Government of India have agreed, if necessary, to grant subsidies to the Company for a limited period in order to protect it from possible loss in the early stages, but any such financial aid will be re-payable from subsequent profits out of which 50 per cent. will, for the purpose, directly accrue to Government until the subsidies have been repaid in full. During this period the Company will be precluded from declaring dividends in excess of five per cent.

After the subsidies, if any, are repaid, half of the profits earned in excess of five per cent. on capital and share holders' funds will accrue to Government who, in addition, will receive the dividends payable on their shares.

India has demonstrated her ability to operate domestic services on a large scale and with a high degree of efficiency and safety, but international air traffic to and from India, has upto now been the monopoly of foreign operators. It is, therefore, gratifying to know that India is at last entering the field of international air transport, with equipment and facilities which will compare favourably with those of its foreign competitors.

BENGAL-NAGPUR RAILWAY STATIONS WITHOUT LIGHT.

704. *Shri Santanu Kumar Das: (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that some of the stations on Bengal-Nagpur Railway remain without lights?

(b) If so, is it a fact that robbery and pick-pocketing are increasing day by day on account of this?

The Honourable Dr. John Matthai: (a) No. Platform lamps are lighted at all stations where passenger trains halt during the hours of darkness, the number of lamps to be lit being dependent on the size of the station.

(b) Does not arise.

STOPPAGE OF PURI-HOWRAH EXPRESS TRAIN AT JAJPUR AND JENAPUR STATIONS

705. *Shri Santanu Kumar Das: (a) Will the Honourable Minister of Railways be pleased to state whether the Puri-Howrah Express Train passes without touching the main stations between Bhadrak and Cuttack stations?

(b) Has any representation been received from the public requesting Government to allow the said train to stop at Jajpur and Jenapur stations in Cuttack District?

The Honourable Dr. John Matthai: (a) The Puri-Howrah Express Trains stop at Kendrapara Road. They do not stop at Jajpur Road, the only other relatively important station between Bhadrak and Cuttack.

(b) Towards the end of 1946, representations were made to the B. N. Railway and the Railway Board that the Puri-Howrah Express Trains should be stopped at Jajpur Road, but no representation has been received suggesting a stoppage at Jenapur.

PROGRESS IN CONSTRUCTION OF TRICHUR-KOLLENGODE RAILWAY

706. *Shri P. Govinda Menon: Will the Honourable Minister of Railways be pleased to state:

(a) what stage has been reached in the construction of the Trichur-Kollengode Railway; and

(b) when this Railway is expected to be opened?

The Honourable Dr. John Matthai: (a) Trichur-Kollengode Railway Project is still in the investigation stage. The construction has not yet commenced.

(b) The question does not arise at this stage.

REBUILDING OF SHORANUR-NILAMBUR RAILWAY.

707. *Shri P. Govinda Menon: Will the Honourable Minister of Railways be pleased to state:

(a) whether it is proposed to build again the Shoranur-Nilambur Railway which was dismantled during the last war; and

(b) if so, when will the work be taken up?

The Honourable Dr. John Matthai: (a) When the Railway Post-war Plans for construction of new lines and restoration of dismantled lines were originally prepared, it was decided, in consultation with the Madras Government, that the Shoranur-Nilambur Railway which was dismantled during the war should not be restored.

The Madras Government have, however, recently intimated that the question of restoration of this line is being re-examined by them and they have asked about the amount of guarantee that the Provincial Government will have to pay, should the line prove unremunerative in its working. This information is being compiled.

(b) It is not possible to state, at this stage, if the line will actually be restored and if so, when.

CLOTH AND SUGAR SUPPLIED TO ORISSA STATES.

708. *Shri Yudhisthir Misra: Will the Honourable Minister of Industry and Supply be pleased to state the quantity of cloth, yarn and sugar supplied to the Orissa States during the year ending 31st October, 1947?

The Honourable Dr. Syama Prasad Mookerjee: The Central Government make allotments of cloth and yarn to the Orissa Government, who are responsible for sub-allotting these supplies to the districts in the province of Orissa and to the Orissa States. The Central Government therefore have no information as to what quantities of cloth and yarn have been supplied to the Orissa States. The same is the case, I understand, with sugar. Enquiries have however been made from the Orissa Government as to the supplies of cloth, yarn and sugar made to the Orissa States during the year ending 31st October 1947, and the information will be furnished to the Honourable Member when it is received.

MALDISTRIBUTION OF CONTROLLED GOODS IN ORISSA STATES.

709 *Shri Yudhisthir Misra: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether Government are aware of the maldistribution of controlled goods in some of the Orissa States and the export in large quantity of yarn from the States to the neighbouring provinces;

(b) whether Government have received any complaint regarding export of yarn from Patna State to the Central Provinces; and

(c) if so, whether Government have taken any action?

The Honourable Dr. Syama Prasad Mookerjee: (a), (b) and (c). Government have received no such complaints as the Honourable Member mentions regarding mal-distribution or exports, but would be glad to undertake investigations if the Honourable Member would let them have instances of what he has in mind. I must point out, however, that since internal distribution is a matter for the Provincial or State Government concerned, this question should be addressed to the administration concerned.

EXPANSION OF B. N. RAILWAY.

710. *Shri Yudhisthir Misra: Will the Honourable Minister of Railways be pleased to state whether Government propose to take up the construction of Sambalpur-Kondagaon and Khurda Road-Sonepur-Lochipore railway line in Bengal Nagpur Railway after survey, and if so, when?

The Honourable Dr. John Matthai: The Government are not in a position at this stage to state if the construction of Sambalpur-Kondagaon and Khurda Road-Sonepur-Lochipore railway lines on the Bengal Nagpur Railway will be taken in hand after the surveys have been completed. The survey reports on receipt will be examined by the Railway Board and then placed before the Central Board of Transport for their consideration. Construction will be taken in hand only if the Central Board of Transport recommend such a course.

INSUFFICIENT SUPPLY OF WAGONS TO B. N. RAILWAY.

711. *Shri Yudhisthir Misra: Will the Honourable Minister of Railways be pleased to state:

(a) whether any complaint regarding insufficient supply of wagons has been received from Kantabanji (Bengal Nagpur Railway) in Patna State (Orissa) to export minor foodgrains; and

(b) if so, whether Government propose to make any arrangements in future to facilitate export of foodgrains from that place to Madras and Bombay Presidencies?

The Honourable Dr. John Matthai: (a) Yes, such a complaint has been received by the B. N. Railway.

(b) Adequate facilities exist for the transport of foodgrains.

CONTROL OVER RAILWAY CATERERS IN RESPECT OF EMPLOYEES' SERVICES

712 *Prof. N. G. Ranga: (a) Will the Honourable Minister of Railways be pleased to state whether the Government of India have any control over the caterers in respect of the conditions of service the caterers offer to their employees?

(b) If not, do Government intend to assume any?

The Honourable Dr. John Matthai: (a) Railways at present have no control over the caterers in respect of conditions of service offered to their employees.

(b) The matter is still under examination.

DEVELOPMENT OF SANGAMESHWAR IRRIGATION PROJECT.

713 *Prof. N. G. Ranga: Will the Honourable Minister of Agriculture be pleased to state:

(a) whether Government are aware that Rayalaseema (Ceded Districts) in the Madras province is specially liable to periodical famines;

(b) whether Government are aware that the Famine Commissions of 1897—1900 had recommended that irrigation projects especially the Sangameshwar project should be developed in order to protect the five million people of this area from frequent famines;

(c) whether Government are aware that this is at present a deficit food area and there is great need for making it self-sufficient in food; and

(d) whether Government propose to develop the irrigation projects referred to in part (b) above?

The Honourable Dr. Rajendra Prasad: (a) Yes.

(b) The Famine Commission of 1898 recommended extension of irrigation as a first measure to protect the Ceded Districts from famine, but it did not refer to the Sangameshwar Project which was evolved in 1903.

(c) Yes.

(d) Staff for preliminary investigation of the project has been sanctioned by the Provincial Government and investigation is expected to commence shortly.

REFUSAL BY PAKISTAN TO EXCHANGE FOOD FOR TEXTILES

714. *Seth Govind Das: (a) Will the Honourable Minister of Food be pleased to state whether it is a fact that the Government of Pakistan have refused to take our textiles in exchange of their food, and that they have offered their food to Australia in return of Australian textiles?

(b) If the answer to part (a) above be in the affirmative, what action do Government propose to take to consolidate our position, so that we may not depend on food supplies from Pakistan?

The Honourable Dr. Rajendra Prasad: (a) No proposal on the basis of barter of textiles from India with foodgrains from Pakistan was ever put to or considered either by the Government of Pakistan or by the Government of India. The Government of India have not heard of any such barter proposal between Pakistan and Australia.

(b) Does not arise.

MOTION FOR ADJOURNMENT

FAILURE OF THE GOVERNMENT TO STOP TRIBAL RAIDS FROM PAKISTAN

Mr. Speaker: I have received notice of an adjournment motion from Prof. Shibban Lal Saksena. There seems to be some confusion about this motion. It is verbose, argumentative and requires a lot of amendment, even if it is otherwise admissible. I would read only such parts, as I think are relevant.

The motion as amended by me will read:

"That the House do adjourn to discuss a matter of urgent public importance, viz., the failure of our Government to take effective measures to force the Pakistan Government to stop tribesmen from 'indulging in a reign of terror, loot and rape', and to discuss whether all talks of financial settlements and other agreements with the Pakistan Government should not stop immediately and what other effective steps should be taken in the matter."

I have amended the motion to bring it within parliamentary language.

Apart from the question of urgency, this motion on the very face of it is inadmissible because it seeks to discuss more than one definite issue.

I do not think I can give my consent to this motion.

COMMITTEE ON PETITIONS

Mr. Speaker: I have to announce that under sub-order (1) of Standing Order 80 of the Constituent Assembly (Legislative) Standing Orders, the following Honourable Members will form the Committee on Petitions, namely: (1) Pandit Thakur Das Bhargava, (2) Shrimati G. Durgaba, (3) Shri Arun Chandra Guha, (4) Shri Mohan Lal Saksena, and (5) Pandit Mukut Bihari Lal Bhargava.

ELECTRICITY (SUPPLY) BILL

Mr. Speaker: The House will now proceed with further consideration of the motion of the Honourable Mr. Gadgil about reference to Select Committee of his Bill to provide for the rationalization of the production and supply of electricity and generally for taking measures conducive to the electrical development of the Provinces of India.

The Honourable Shri N. V. Gadgil (Minister for Works, Mines and Power): The debate that followed my motion for reference to Select Committee on the Bill now under discussion was marked with some heat, some light, but I am glad to say that there was no shock. The Honourable Members who participated in this debate—at least some of them—were good enough to congratulate me. Some were rather half-hearted in their congratulations and one Honourable Member was positive in denouncing this measure as reactionary. Now this honourable gentleman has quoted from the Bible, namely, some resolutions of the Congress. I only hope that this new found love of the Congress resolutions by this Honourable Member will be more enduring hereafter.

Now for those who welcome this measure as being good, although better was possible, to them my reply is that good cannot be the enemy of better. And if they do me the courtesy of going through the provisions of this Bill, which I stated at the beginning of my speech is a somewhat complicated measure, they will find that I have gone as much as possible in the present circumstances. This is exactly what I said, Sir:

"The fact that has determined this line of action is: What is possible in the immediate future? And to do it in such a way that the ultimate objective of public ownership of such public utility concerns is not prejudiced in the least."

Now a bigger issue was raised by some of the Honourable Members, namely, of nationalisation. Some sort of accusation was levelled against me that this Bill was definitely inconsistent with the Congress policy. My Honourable friend, Prof. K. T. Shah, for whom I have the highest respect, and who has often been my guide in matters of finance whenever I had an occasion to write something about it, referred to the Karachi resolution. Now that Karachi resolution says:

"The State shall own or control key industries and services, mineral resources, railways, waterways, shipping and other means of public transport."

This does not definitely lay down that there should be public ownership and control, but an alternative is left and it will not be considered as inconsistent if this measure is based on State control and public ownership also. In fact, I will be entitled to take some credit that instead of taking one alternative, as suggested in this resolution, I have taken both the things and tried to combine them in such a manner that the ultimate objective will be possible to be attained sooner than many of my Honourable friends realise.

Shri H. V. Kamath (C. P. and Berar: General): Is the Honourable Minister working out a synthesis?

The Honourable Shri N. V. Gadgil: I will leave it to your imagination because I do not want to say anything that will create any trouble in the realization of the objective that I have placed before you.

Referring to the latest Congress manifesto, which was issued in the year 1945, I find the same thing is repeated:

"The State must own, or control key and basic industries and services, mineral resources, railways, waterways and shipping and other means of public transport."

I therefore say this charge of having done something against the Congress programme or mandate is entirely without foundation. If it comes to a choice for me between loyalty to the Government and loyalty to the Congress, I can assure my friend that loyalty to the Congress will prevail in my case.

Now taking further this question of nationalization on merits: in other words some of my friends want that public ownership should be secured immediately. In this connection, the purchasing of existing interests offers a formidable problem. I do not think it is a point of view of any of the Honourable Members that existing interests should be ex-appropriated altogether. That also is not the Congress policy. The Congress policy has been laid down very often that no man will be deprived of his property except according to the process of the law: that in the case of *samindari*, the Congress manifesto definitely laid down that equitable compensation would be paid. There is no desire to cut the existing interests with a shilling so to say. Now if that is the position, suppose if the Government were to start on having public ownership immediately? We would have to pay roughly about Rs. 100 crores. Today out of 412 electricity undertakings in this country, 300 belong to private companies. Out of these 300, 249 are in the Indian Union and 51 in the States. As regards the proportion of installed capacity 73.19 per cent. goes to privately-owned company and the remaining to municipalities and Government. In those circumstances I ask in all sincerity whether we can afford straight-away to purchase them and if we want to purchase them will it make any immediate improvement of the prospect, sneaking from the point of view of the financial position of the country? In England under the latest Electricity Bill nationalisation has been visualised. But, Mr. Speaker, you will find from that Bill what the arrangement is.

"The holder of securities in any body, other than a local authority, whose assets and liabilities are transferred by the Bill is to be compensated by the issue to him by the Central Authority of British electricity stock of such amount as is in the hands of the treasury, at a value equal on the date of issue to the value of security. The value of any security for this purpose is to be deemed to be the average market value of the securities on a certain date."

It only means that we will have to pay heavily by way of interest, because the securities will be valued at their market rate today.

What is proposed under this Bill is that all the existing undertakings will be under the complete control of the Provincial Boards, the composition of which, I again repeat, is thoroughly democratic. There is not a single representative on the Provincial Board either of the shareholders or of the managing agents and it is a body charged with the entire work that is to be done under the provisions of the proposed Bill. If the idea is that these people should be paid at the very beginning, as I said, it will be a huge burden on the taxpayer. What is proposed under this Bill is to control these concerns, control their profits and the future expansion of the existing plants is also controlled. New undertakings will be mostly by the State and wherever it is impossible for the State to come in, private enterprise may be allowed. As far as the taking over of the existing undertakings are concerned opportunities will arise from now on in the course of the next 20 years under the terms of the various licenses. Meanwhile we will consider the question of the compensation to be paid. At present the provisions of the Indian Electricity Act of 1910 apply. The provisions clearly lay down that when an undertaking is to be purchased the value must be calculated by what is known as the fair market value. If I were to calculate the fair market value today, it is so much inflated that I will be run down as a man who knows very little about finance and probably will be accused of being pro-capitalist. In the present circumstances it will be considered a folly. But if we can in the near future make certain amendments in the Indian Electricity Act of 1910 in such a manner that the value to be paid may be either the book value or the written-down value but certainly not the market value, then in those circumstances it is possible considerably to reduce the burden on the poor taxpayer. But that is a matter which is receiving the attention of the Government. What I want to urge for the present is that this is a very big step towards nationalisation. Just as possession

[Shri N. V. Gadgil]

is 9 points in law, I should say control is ten points in business. If we thoroughly and efficiently control the concerns in every respect, I have no doubt that gradually an atmosphere will be created when people will work more in a spirit of social service than for the sake of mere money or profits. They will develop a better sense of citizenship as was suggested by my Honourable friend Mr. Patil, than they possess today.

I also stated that if the speed with which things are being done today is not satisfactory, the only method of increasing the speed is to increase the strength of public opinion.....

Shri H. V. Kamath: Does the Honourable Minister think that private enterprise will inculcate these virtues?

The Honourable Shri N. V. Gadgil: I am not giving way. That is the only way to quicken the pace. But, at the same time, we must beware of the consequences of enforced development, for the simple reason that in the long run going slowly but surely pays better dividend in the matter of efficiency and outturn also.

Having disposed of this big issue which was raised by some of the Honourable Members, I would refer to another matter, which was mentioned in the course of the discussion by my Honourable friend Mr. Shibban Lal Saksena. He said that no fair wages clause has been inserted in this Bill. I regret to say that he has misunderstood the purpose of the whole Bill. This is not, so to say, a Bill in which something is being done for labour in this or that respect. It is only a Bill which lays down the provisions for the control of existing undertakings with provisions for expansion on certain well known lines. As regards wages and other labour conditions probably my Honourable friend is not aware that there is already a Bill before this House fixing the minimum wages in every business undertaking and as far as I remember it has been referred to a Select Committee. Whatever is the general law with respect to minimum wages and other labour matters will certainly apply to any undertakings, whether they are private or run by the Government.....

Prof. Shibban Lal Saksena (U.P.: General): I quoted from the Sugar Subsidy Act passed by the British Parliament. There they have made a statutory provision to protect labour with respect to wages that should be paid in that subsidised sugar industry. The Minimum Wages Bill will not help labour in Electric concerns. Here it is a case of skilled labour and no minimum wages are prescribed in regard to skilled labour in the Minimum Wages Bill. What I wanted was that some provision should be made in the Bill giving a statutory guarantee that labour employed in the proposed new electric concerns will not be exploited as has been done in the body of the British Sugar (Subsidy) Act.

The Honourable Shri N. V. Gadgil: All matters relating to wages and other labour conditions are matters under the general law which governs wages and labour conditions. If you want to put in detail every thing that is covered, I think it will be a waste of time and I do not know how big the Bill will be. Here are provisions for compensation. Would you like to repeat all the provisions that you find in the law of land acquisition? I therefore want to say that if a dispassionate view of the provisions of this Bill is taken, I have no doubt that it is not only not a reactionary measure but it advances the cause of nationalisation considerably and if I am able to secure the co-operation of this House as well as the members of the Select Committee in its deliberations, much more is possible and the object for which this Bill has been introduced viz. public ownership of public utility services, will have been achieved to a substantial extent. Sir, I have nothing more to say except to commend this motion for the acceptance of this House.

Shri H. V. Kamath: Sir, I want to have some enlightenment from the Honourable Minister. The doubt lingers in my mind.....

Mr. Speaker: Will the Honourable Member say exactly what enlightenment he wants because I cannot permit any speech at this stage?

Shri H. V. Kamath: The Honourable Minister has not told us what are exactly the impediments, obstacles or difficulties in the path of forth right nationalisation instead of this half-hearted measure.

The Honourable Shri N. V. Gadgil: I think I have sufficiently answered that point. It only means that the Honourable Member was inattentive or unable to grasp what I said.

Shri B. Das (Orissa: General): In his conference with the representatives of electrical undertakings at Bombay the Honourable Minister gave an assurance that representatives of that body would be permitted to appear before the Select Committee and represent their case. May I know whether they will be permitted to do so and also whether the Honourable Minister will permit outside electrical experts to appear before the Select Committee?

The Honourable Shri N. V. Gadgil: The interests concerned will be given sufficient opportunity to say whatever they want to say.

Mr. Speaker: The question is :

"That the Bill to provide for the rationalisation of the production and supply of electricity, and generally for taking measures conducive to the electrical development of the Provinces of India, be referred to a Select Committee consisting of the Honourable Shri R. K. Shanmukham Chetty, Shri M. Ananthasayanam Ayyangar, Shri B. Das, Shri M. R. Masani, Shri T. T. Krishnamachari Shri K. Santhanam, Haji Abdus Satter Haji Ishaq Seth, Shri Rohini Kumar Chaudhuri, Shri B. P. Jhunjhunwala, Shri Mohan Lal Saksena, Shri S. K. Patil, Shri Sures Chandra Majumdar and the Mover, with instructions to report on the opening day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall five."

The motion was adopted.

INDIAN NURSING COUNCIL BILL

The Honourable Rajkumari Amrit Kaur (Minister for Health): I beg to move:

"That the Bill to constitute an Indian Nursing Council, be taken into consideration."

Sir, I am happy that it has fallen to my lot to ask the House to pass this Bill. Statutory provision for a Nursing Council has been a long-felt need, and the measure is very much overdue. The present position is absolutely untenable. There is no central body to co-ordinate or to ensure a uniform minimum standard of training. There is no inter-provincial recognition of nursing qualifications. It is not possible. Provinces have their separate Councils and they have separate standards. It is a most unsatisfactory position. It causes the utmost inconvenience to hospitals or other authorities who wish to employ nurses. Moreover it is a very great hardship on the profession itself. Further, there is no body to negotiate with foreign authorities for the reciprocal recognition of qualifications. That also is a very great lack. This Bill is intended to remedy these defects.

The Central Council that is sought to be brought into being will provide means for raising the standards of training or improving the status of the profession itself and for giving it international standing also for it will provide minimum standards of training. It will grant recognition to nursing qualifications and it will also negotiate with foreign countries for recognition of those qualifications. The Council has been sought to be made an extremely representative body. It will represent all the Provinces. It will be representative

[**Rajkumari Amrit Kaur**]

of the profession itself. It will have on its Board of Administrative medical officers in charge of the health services and it will be representative also of the medical profession as a whole in India and of all others that are qualified to contribute to the work of this Council.

There is one important thing which I should like to bring to the notice of the House and that is that the Council will also have powers to withdraw recognition of qualifications, and under the Bill only those with recognised qualifications will be enrolled as nurses, midwives and health visitors. This in itself will ensure that inter-provincial reciprocity in the matter of registration which is today absolutely lacking.

This Bill was brought in this House in the Budget Session of 1946, but alas, it has never been able to make any headway and so long was it delayed that the Government of India felt impelled to bring in an Ordinance. That Ordinance is now about to lapse. The Bill was published by Departmental order in the Central and Provincial *Gazettes* in order to elicit public opinion. Opinion has been elicited and it has been given very careful consideration. The principle of the Bill is unquestionable, its aims and objects are unexceptionable. I have purposely refrained from asking this House that the Bill should be referred to a Select Committee because the need for bringing this Bill on the statute book is urgent. In view of the fact that the principle of the Bill is, as I have said, unquestionable and the aims and objects unexceptionable I have no doubt that the House will not hesitate to give me the opportunity forthwith of raising the standards and status of one of the noblest and most essential professions.

I do not know, Sir, if the House is aware that today in the whole of India including Pak-istan, there are only 7,000 nurses and only 5,000 midwives. This constitutes a ratio in our country of one nurse for every 43,000 of the population as against one nurse to 800 in the United Kingdom and one to 367 in the United States of America. Because of the need for nurses in the Kurukshetra camp I was impelled the other day to make a country-wide appeal for nurses. But as I was making that appeal I was wondering how it could be responded to. The hospitals that have spared me nurses from Bombay and elsewhere, and my own hospitals of Delhi, have been depleted of their nursing staff in order to provide the need for Kurukshetra. All of them are now working almost at breaking point and they say that they will have to close down a few wards on account of the shortage of nurses. This position is deplorable. Apart from the fixing of minimum standards for training and qualification I feel that this measure will give some encouragement to our girls and our women to come forward to enter this noble profession. We lose many lives today simply because we have not got midwives who are properly trained and because nursing qualifications are not as high as they should be. If this Bill is passed—as I hope—with one voice, I know that it will be a big step forward towards the attainment of our objects. But I also hope that Members of this House will not rest content merely with bringing this measure on to the statute book but that they will go back to their various Provinces and insist on the Provinces having at least one Nursing College, so that opportunity may be afforded to our girls to come and join this noble profession. We cannot render proper medical aid to our people without adequate nursing aid because nursing is one of the most important limbs of the medical profession. However skilled the surgeon is and however efficient the physician is, the life of the patient really is in the hands of skilled and efficient nurses.

With these very few words, Sir, I request that the Bill may be taken into consideration.

Mr. Speaker: Motion moved

"That the Bill to constitute an Indian Nursing Council, be taken into consideration"

Shrimati Renuka Ray (West Bengal: General): Mr. Speaker, Sir, I rise to support this Bill brought forward by the Honourable the Health Minister to constitute an Indian Nursing Council.

Mr. Speaker: I would like to have the position clarified about Shrimati Durgabai's amendment.

Sarawati G. Durgabai (Madras: General): I am not proposing to move it, but with your permission, Sir, I would like to speak on the motion.

Shrimati Renuka Ray: It is a measure, Sir, that as the Honourable Minister said is long overdue, and it is more than welcome, I am sure, both by the House and this country. Sir, we are at last free in this country to shape our own future and to break through the morass of ignorance, superstition, ill-health, disease, hunger and want that has enveloped our people during the years of alien domination. We need nation-building work in many directions. But Sir, before we can attain a minimum of economic and social well-being for the people, the most essential factor that is needed is that the people should have the requisite minimum health. It is men and women who are builders of society, and unless they possess the requisite minimum of health and training, how can we possibly get on with any work of national development? It is a well known fact that both on the curative and on the preventive side, the Health services in this country are not only inadequate but hardly exist for the great majority of the rural populace in this country. If we are to make any improvement, the first consideration is of trained personnel, and the Honourable Minister has already told us in regard to the nursing profession there are only 7,000 nurses in this country. There are according to the Bhoré Committee's report 5,000 midwives, and only 750 health visitors. Sir, of all sections of health work, to my mind the greatest necessity is to set up a network of maternity and child welfare centres throughout the country. The fact that infant mortality is appallingly high and large numbers of women die at child birth is well known in the country. What is even worse is that amongst the women who do not actually die at child birth, there are very large numbers who are seriously and permanently injured due to lack of care during pregnancy and child birth, and again there are large numbers of children in this country who are handicapped almost before they are born, for the same reasons. It is the lack of proper facilities for their care and also the fact that most of these women are at the mercy of the untrained Dai, who has been a great danger in this country, that is responsible for this woeful state of affairs. If we intend to set up an adequate number of maternity and child welfare centres in the country, again we are up against the greatest stumbling block, that is a lack of a sufficient number of trained midwives and health visitors. There are in this whole country only seven schools for training Health visitors, and in each of these schools I think they train 60 Health visitors per annum. Now if we are to cover this country with a sufficient number of maternity and child welfare centres, we need the services of at least 100,000 trained midwives and 20,000 health visitors to supervise them. The reason for the lack of a sufficient number of personnel is of course first of all this lack of training centres, but another reason, is the deep-rooted prejudice in this country against the nursing profession. It is so fundamental and deep-rooted that although today it is generally recognised that nursing is a noble profession, we do not find that nurses are treated in the manner they should be in India. The treatment that is meted out to them is so terrible that I do not see how suitable women can be expected to come forward to this profession unless something is done about it. I have myself, Sir, personal knowledge of many instances where a Health visitor or a trained midwife is obtained with great difficulty because their numbers are few to open a Maternity or Child Welfare Centre, and when she does take over in some small district town or in a village, the treatment that is meted out to her, and the outrageous behaviour towards her

[Shrimati Renuka Ray]

is such that only women with a great deal of courage can cope with it. This kind of thing will have to stop, and I feel that the Indian Nursing Council set up at the Centre could do much towards breaking down these prejudices. Prejudice existed against the nursing profession in other countries. A hundred years ago it was very considerable in England and it was Florence Nightingale who broke it down. A great deal has to be done to overcome the prejudice in this country before we can expect suitable women in sufficient numbers to enter the profession. A Nursing Council of this nature will do much towards it. As the Honourable Health Minister has already mentioned, this Council will prescribe the minimum standards which will bring about uniformity of nursing standards in the country and which I am sure will also help to raise the conditions of service, the status and pay of nurses, which are matters which need a good deal of attention. It will in fact be the counterpart of the Indian Medical Council for the nursing profession. I think there is another important function which this Indian Nursing Council could well take up. It is a well known fact today, Sir, that during the war a system of what is called Volunteer Nurse Aids as a part time nursing service come into England and did exceedingly well there. It had been introduced for the purpose of meeting emergency situations, but is now being made permanent there. Usually volunteer women are given a little training, and on a small honorarium work under the guidance of trained nurses. Women who are educated and of good families have come forward as volunteer nurses. I am sure that the Indian Nursing Council can do much to encourage and foster this system and get Provincial Governments also to take it up when the Council comes into existence. The need for this Indian Nursing Council is so acute that I fully agree with the Honourable the Health Minister that it should not be now sent to a Select Committee. There may be a few technical amendments here and there which may improve the Bill slightly and I am sure that if there are such amendments, the Honourable Minister will have no objection to incorporating them. But I do strongly support that this Bill should be passed into law immediately. It is a matter of urgent necessity in the country that the nursing profession should be immediately strengthened and that we should have a sufficient number of training centres to cover the country so that the Health Service in this country really become widespread.

Mr. B. K. Sidhwa (C. P. and Berar: General): Mr. Speaker, Sir, for lack of uniformity in the training of the nurses, there has been a great deal of discontent among the staff, and I am very glad that this measure has been brought before this House and I congratulate the Honourable Minister for the same. Sir, there are many Provincial Councils in the various provinces, but the qualifications vary from province to province. In some provinces the training period for a nurse is 8 years, in some it is 6 months, and in some it is 3 months, and the discontent amongst the staff has been mainly due to the fact that the seniormost nurse gets the same salary as the nurse who has just passed out within six months of her training in college. This is one of the improvements that has been brought out by making uniform qualifications in the provisions of this Bill and this will set at naught the long-standing grievance of the staff the nurses and health visitors. The Honourable Minister has really done a distinct service to this class of workers who are greatly needed in this country. Sir, having been associated with the Provincial Nursing Councils as well as the Health Association and Child Welfare Centres, I know very well how this measure will be welcomed when it is brought to their notice that this outstanding grievance has been removed.

There is another proviso: that untrained *Jais*, who are at present a nuisance in this country, will not be allowed to attend to any maternity cases. Sir, it has been pointed out by the Honourable Minister that there are only a few thousands of nurses in our country, whereas there is in each village an indigenous *dai* who attends to maternity cases. These indigenous *daïs* are so

harmful to the mothers that it has immensely increased infantile mortality in this country. If you take the figures of infantile mortality and compare them with figures in various other parts of the world, you will find that India stands highest. And that is due—and this has been stated by the medical profession—to the indigenous *dais* treating these maternity cases. I know of instances, Sir, where the methods employed are so crude: at the time of delivery, these indigenous *dais* put in a sort of fire under the cot to bring about an easy delivery of the child; and the result is that the mother is disabled for a long period. Sir, efforts have been made by some Provincial Councils to improve this, but there has been no radical change. I hope that when this Bill becomes law, the Central Council will bear in mind that this high infantile mortality which is really due to the indigenous *dais*, should be done away with absolutely. There are many indigenous *dais* who could be trained into midwives according to the modern system, but there has been luke-warmness shown by the Provincial Governments and Provincial Councils in this matter. The first step, Sir, if you really want to keep the health of a mother and also to reduce infantile mortality, is to remove these indigenous *dais* and convert them into regular trained midwives. I do not say that these indigenous *dais* should be done away with; they should be done away with as far as the present method of their profession is concerned, but what I feel is that they should be trained into midwives. In some villages, in some parts of the country, this thing has been done and those *dais* have taken it very nicely. I therefore hope that this Council which is coming into existence, will bear this in mind and see that this question, which is one of the important causes for the health of the mother and the infantile mortality, is taken in hand.

Apart from that, various other important and useful provisions have been included in this Bill for bringing it into conformity and also making it a Central measure so as to keep the Provincial Councils in check. All the nurses today are registered under the Provincial Councils; so also are the Health visitors. As the previous speaker has rightly stated, this profession is considered as a very noble one, but there is very little inducement for expansion of this profession. I know, Sir, that many of the good nurses come from the Harijan classes and the reasons are quite obvious. Those Harijan class nurses have proved absolutely first-class compared with any British nurse that I have seen; the British nurses have done very good work and are doing very good work; but I do feel that our Indian nurses are lacking in number to come forward for this profession for this reason that they have no proper encouragement, and that this profession is looked upon by some classes of the community as a degrading one or as one not desirable. I, therefore, feel that every kind of inducement and encouragement should be given by the Central Council to the Provincial Councils; all impediments should be removed and improvements for the purpose of bringing in more nurses should be encouraged; their wages and salaries should be immensely increased. Sir, this is the fundamental basis of a mother's health and as such there should be no question as regards the salaries and wages. Today they are very miserably paid; some of the nurses are paid only sixty to seventy rupees; I have not come across an Indian nurse who draws more than Rs. 120 a month. She does important work; she has to attend at midnight to maternity cases—and from statistics it has been proved that many of the maternity cases take place at midnight; so she has to attend at that time at the risk of her life and has to go from place to place. So, for the performance the salary paid is very low. Some uniformity in salaries should also be introduced; that is one of the encouragement for the nurses to come forward and take to this profession. I do not say, Sir, that there are no nurses who come from high families—I know there are nurses who have come from high families also; but their number to the number of those who have come from the average class of people, is not encouraging.

[Mr. B. K. Sidhwa]

Sir, I do feel that this is a very important and a very urgent measure, and I am glad that my Honourable friend Shrimati Durgabai has withdrawn her amendment for reference to Select Committee. I for one would always have welcomed to send it to the Select Committee but there is nothing in the Bill which is lacking. I do feel that the Members of the Central Assembly are not provided with representation; I do not attach too much importance to that but if Members want representation, I have no objection. This is a measure in which I have seen the Honourable Minister has provided full representation for all those who are really concerned in the matter, and if representation is given to this Assembly also, I should certainly welcome it; there is nothing wrong in it; on the contrary we would be able to give our advice and sometimes would advice as well. Therefore, Sir, I am glad that she has withdrawn her motion.

This measure was of such an importance that I am so glad that an Ordinance had to be promulgated; rightly, I congratulate the Government that they have promulgated this Ordinance. When that Ordinance is now becoming a law—I wish, Sir, that it becomes law today—and when it becomes law, the Honourable Minister will see that the provisions of this Act are put into effect immediately and without delay, calling upon the Provincial Councils to act forthwith, and not allow its provisions to remain on paper.

Sir, this is an important Bill. It is a social measure and some of the social measures are really important if you want to build up the nation; this is a measure which will build up the health of a mother and a child if the provisions mentioned here are put into effect. I again second it wholeheartedly and congratulate the Honourable Minister for having brought it forward so soon.

Begum Aizaz Rasul (U. P.: Muslim): Sir, this measure has not come a minute too soon and I congratulate the Honourable Minister for Health for having realised the necessity and the urgency of bringing forward such legislation as soon after this Government took over office as possible. This is one of the measures designed to meet a long standing need of the country. Nursing has been a part and parcel of the medical profession. It is unfortunate that in this very important part of our medical requirements a great deal of improvement has still to be effected. The Bhowe Committee, in its Report, has very rightly given an important place to this requirement. I am a member of the Committee set up in U.P. to put into effect the Bhowe Committee's recommendations and we have been discussing this important aspect of training of midwives, nurses and health visitors. There are various Provincial Councils for nurses and midwives, but it was necessary that these should be put on all-India and central basis, and I congratulate the Honourable Minister for having realised this and brought forward this measure.

It is unfortunate, Sir, that the nursing profession has been neglected so much in this country. The reasons are not far to seek. The British Administration, in addition to other neglects of various fundamental requirements, did not also think it necessary to provide ways and means of attracting Indian woman to the nursing profession. As has been rightly said, nursing is a very noble profession, but social conditions in our country have been such that the right kind of woman has not been attracted to it, with the result that today, on the withdrawal of British power from this country and the consequent disappearance of those British nurses who were in employment in this country in large numbers, we feel that a great void has been caused by the dearth of trained nurses who are wanted everywhere in hospitals and as private nurses. This dearth has been in the forefront during the last few years of the war and afterwards. On all Committees connected with hospitals, Sanatoriums, etc., of which I am

a member the need has been felt of some drastic action in order to attract more women to become nurses.

I think, Sir, the main reasons why there has been so much shortage of women belonging to good standards of life in the nursing profession are twofold. Firstly, the dearth of publicity. Secondly, the dearth of good educational arrangements for the training of nurses as well as unsuitable terms of service. These are the reasons which have not attracted women of good homes to come forward and take up this very noble profession. The Bhore Committee has dealt with this problem in a very effective manner and I am sure this Bill when it becomes law will, in addition to regulating the registration and provision of uniform standards in the training of nurses will also see that suitable hostel arrangements, good pay and emoluments and adequate safety and security arrangements are also provided to them. It has been rightly remarked by the former speakers that our Indian nurses require a great deal of security in villages and towns where they are required to work. That is specially the case with midwives and health visitors. The United Province is rather backward as far as social conditions go, and I know from personal experience that in the rural areas they are confronted with a great deal of difficulty in visiting homes freely at all times of day and night. I would suggest that some sort of facilities should be provided for nurses who are appointed in rural areas.

Referring to the indigenous *dais*, Sir, I know from personal experience that, as Mr. Sidhwa rightly remarked, they form a barrier to the effective working of these trained midwives in rural areas. These trained midwives are boycotted and ostracised by the population of the town simply because the indigenous *dais* create such conditions for these poor women that it is impossible for them to do their work as they should. It is necessary therefore that these indigenous *dais* should be given a certain amount of training and made to work in conformity and in conjunction with the trained midwives. They should not be altogether exterminated because they form a really formidable and important factor in village life, as I know personally. It would be better to get their co-operation by giving them training and enabling them to get certificates of midwifery so that they may not constitute a social and practical danger to these trained women who are sent by Government to these rural areas.

Then, Sir, I would like to bring to the notice of Government that these health visitors that we have, although they are to be found in every town on paper really do not do the amount of work that is necessary. They do not possess the drive and energy required of these Health visitors. One sees a board put up in some towns. Thus we only know the location of the Health Visitor. But as far as practical results are concerned, they are not such as to be called very satisfactory. The number is also inadequate; their number should be far more than at present. There should also be stricter supervision because then only can the results be really satisfactory. Reverting back to the question of nurses, Sir. As I have said, it is necessary that attractive terms are given to Indian women coming from good families to take up the profession of nursing. That is one of the great requirements of our times today and I believe that if hostel arrangements are made satisfactorily for these nurses in hospitals and their pays and emoluments are brought on a par with those of the British nurses, who were serving here. I do not see any reason why girls of good families would not come forward in order to make this profession as brilliant and to raise it to as high a standard as is necessary. Now that the British nurses have nearly all left India it is necessary that the void should be filled as soon as possible by girls of good families so that they may go out and be really a source of inspiration to their other sisters.

1 P.M.

I do not want to go into details, but, as I said, publicity is also one of the

[Beguli Aizaz Rasul]

great factors that is needed for attracting women of the right class to this profession.

With these few words, I give my wholehearted support to this measure and I also believe that every moment that this Bill is delayed will harm the country and therefore this measure should become law as soon as possible. This is one of the first social measures that has been brought forward and it is right and proper that it should have been done by the first woman Minister of our Government. I congratulate her on this legislation and hope that other measures that are so necessary for raising the social conditions of this country will also be coming soon before the House.

Shrimati G. Durgabai: Mr. Speaker, Sir, it is with great pride and pleasure I rise to congratulate the Honourable the Mover of this Bill. Much has been said about my giving an amendment; I wanted the Bill to be referred to a Select Committee. But, Sir, let me make it clear at the very outset that when I have given my amendment, it is not with an idea to cause any delay in having this Bill placed on the statute book, but it is certainly to enable ourselves to have a comprehensive scheme of the All-India Organization of Nursing Council, because I am a believer that it does not serve our purpose merely because we are satisfied with having brought a kind of Bill and having placed it on the statute book. As soon as we have placed it, our worry starts and our anxiety starts as to how best we can give effect to all the programme that we have envisaged under this Act. That is really my anxiety. It is for this purpose that a little delay or time taken by ourselves will enable us to take into consultation various Provincial Governments and several other organizations which are very enthusiastic about doing this kind of work and also seek their advice in having a kind of programme which can be very enthusiastically and effectively worked out. That is the only purpose. But when I saw the Statement of Objects and Reasons as given by the Honourable the Mover, I understood the great urgency of an Ordinance already being there and the necessity for its being repealed. Therefore, I have agreed to withdraw my amendment to the Select Committee. It is really a pity to learn from so many Speakers and also from the figures that we have available in India that we have only 7,000 nurses. Is it because that India's population is so little that it does not require a larger number of nurses or is India's health of so high a standard that it does not require any more nurses to attend to this kind of profession? It is not that. It is because there is no extensive programme for enrolling many more ladies for this profession, and recently my experience is that under the Kasturba National Trust when so many lakhs of Rupees have been thrown away to give some kind of help to India's women to come and take this training and serve this noble profession, they would not come. I have seen in the Presidency of Madras some institutions for training nurses under the Kasturba National Trust have been established and several offers have been made, several advertizements and practically house to house propaganda have been made but in spite of all that women would not be coming forward to undergo this training and to take the benefit of the service rendered. When I see this condition in India and also compare it to the other countries, I am really surprised—it is a great pleasure to see the figures which we have available there—to see how those countries have progressed in this direction.

I am told that in the United Kingdom nearly even as early as 1924 there were 24,000 nurses with 42 branches throughout the United Kingdom and also in 1948 when an extensive scale of training had been started under Florence Nightingale, the figures were very very attractive. In 1948 there were nearly 1,25,000 nurses and in spite of that keen shortage was felt at that time. Therefore the Federal Act was passed and it provided for funds to give inducements to various schools and institutions to get more and more recruits and also to

put them under this training. It also provided for the establishment of a Cadet Nursing Corps and this took upon itself two primary functions. One is the extensive recruitment campaign and the other was to collect funds to be offered as financial inducements to get more and more high-school and college girls to undergo this training. Such is the Act which was passed during that time in 1943 as a result of which the number increased 76 per cent. more over the number in 1940. So that was the great progress made during that time. The United States today has a great nursing reserve upon which it can draw upon in times of emergency. Our problem when we compare to the others is really very grave. Ours is not a temporary urgency, or a temporary emergency. Ours is a permanent problem because we know what the condition of health in our country is. Therefore we require a great and permanent reserve of nurses in India. For that the Central Government and also the provincial Governments must all put their brains together to enable this nursing institution to make good progress.

Another difficulty is this. There are several defects today in the training given. In olden days the nurse was considered as one who simply performed certain useful functions; but now the doctor or surgeon looks upon her as of great assistance and acts on the accuracy of the report given by her, because the doctor sees the patient only at intervals while the nurse has got the patient under her observation all the time. Therefore the standard of training has to be raised and efficiency also to be cared for. These are factors which have got to be considered, and how can we do it? Today it is difficult to reconcile the hours of study with the hours of duty in the wards; the nurses while working in the wards have at the same time to prepare for her examinations,—those conducted by the State as also conducted by the classes. These have got to be reconciled. Also there should be some kind of post-graduate training and coaching by tutors so that these nurses may be able to work in the different sections. There may be mental nurses, sick children's nurses and also private nurses to attend patients at home. Before we actually try to work out this programme the most important and necessary thing is the recruitment. For that we have all to co-operate with the Government and with the Honourable Mover whom I consider as the Florence Nightingale of India. Whenever we think of the nursing profession we cannot forget the great work of Florence Nightingale which stimulated the training of nurses throughout the world. Today the institution of nursing in any part of the world is due to the inspiration of Florence Nightingale. And in this country whenever we think of nursing we cannot forget the name of Rajkumari Amrit Kaur who—it may be said without exaggeration—is closely associated with this subject. But it is not enough that she alone will think of it; we also have to think of it and consider methods by which we can induce many women to adopt this noble profession.

Sir, I again congratulate the Honourable Minister on bringing forward this Bill.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri K. Santhanam (Madras: General): It is with a great deal of hesitation that I rise to say a few words on the Bill. It is not necessary for me to dilate on the importance of the nursing profession. Many of our lady members have spoken about it. My object is to draw attention to a few of the defects of the Bill as it stands at present. It is rather a slavish imitation of the Indian Medical Council Act and it is a pity that the new Health Minister did not herself modify the Bill so as to suit modern requirements. I think that it should

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have provided for an All-India Register of Nurses with superior qualifications; then that would have given a higher tone to the whole profession.

I am told that there are some constitutional difficulties in the way of instituting such a register. It is argued that as the profession comes under item 16 in List 8, the Central Government should not have executive or directive functions. But, Sir, this item also comes under entry 12 of the Federal Legislative List, which provides for federal agencies and for the varying purposes: for research, for professional or technical training or for the promotion of special studies. Therefore if a combined use had been made of the entries in the Concurrent List, as well as in the Federal List, a Bill with a Central Institute which will not only train but give qualifications, could have been brought into existence.

And then I do not see in this Bill any provision analogous to Clause 10 in the Pharmacy Bill, where they have given in detail what sort of educational regulations the Pharmacy Council is expected to lay down. Here everything is put in a small clause under the rule-making powers of clause 16, (g) and (h). I think a fuller provision would have suited the Bill much better. And most important of all, there is no real provision regarding finances. I think the finances of this institution should have been given more thought, especially provisions for taking endowments, instituting prizes and scholarships. It should not be merely examining bodies.

I think the whole conception of the Bill is that you want someone to issue instructions, to recognise certificates, and more or less be a sort of inspectorate. But it should have more constructive functions. This Council should take to fostering the profession. It must do something by itself so that the nursing profession might be fostered. Why should it not call for endowments from all parts of the country? Why should it not institute prizes and introduce scholarships inside and outside the country? It should become a real national institute which conducts research in nursing and fosters nursing, and does what other institutes in other countries do. We have the old idea of examining and issuing certificates. I think that part of it is very unsatisfactory, and I hope the Minister of Health will take the earliest opportunity to amplify the provisions of the Bill and make it a real centre for fostering the nursing profession.

With these few words I cordially support the motion for the consideration of the Bill.

Dr. B. Pattabhi Sitaramayya (Madras: General): This Bill relates to the organisation of motherhood. In one sense all of us are the children not merely of our mothers but also of the midwives who see to the delivery. And if the midwives had done anything wrong, either we would have died before we were born or we would have been born before we died. I know the difficulties of midwifery and nursing. Long nights of vigil I had kept for 90 days on end, 45 years ago in the obstetric hospital, without sleep, standing at the bedside of the woman in pains. These women are a very troublesome lot. They do not deliver when they are expected to: whole nights were spent in vain, and we never saw the baby. We saw the pains and to their pains we added our own. In the morning the case went to the next student. At the same time it was the patience of the nurses that helped to lighten the burden of the woman and also to put cheer into the lives of the students, both men and women.

Long years hence, it will be recalled how on the 8th December 1947, a maiden of a Minister had conceived and developed a full-term baby called the Nursing Bill, and three hundred men and women nurses had assisted at an easy delivery of it. To subject this Bill to the tortures of a select committee would have made it a forceps delivery or at least, a case of difficult labour. I therefore congratulate Shrimati Durgabai on her having withdrawn her motion.

This Bill is after all a very simple Bill. Nurses are so much in request that I only hope that the country midwives will not be told off their work at once. They too have played their part nobly and well. Every woman in confinement requires the assistance of a midwife in order to comfort her, strengthen her in bearing down pains and also to direct her attention away from her own sufferings. The nurse's one duty is to watch the patient in labour and spot the point of danger. Honourable Mr. Sidhwa was saying that infant mortality is largely due to bad nursing and bad midwifery. I do not know whether bad midwifery is reflected in infant mortality only or in maternal mortality as well. One essential point is that the nurse should not interfere with the passage of delivery. It is too often a temptation for the nurses or midwives, too strong for resistance. They think that by their frequent examinations they would help in quickening delivery, which is wrong. Also the relations of the woman in confinement are very anxious to know when the confinement is coming. Perhaps they expect a bad star to come in and would like the delivery to be expedited before the star rises. So many adventitious considerations always act and react upon the process of accouchement. The nurse must know when she must send for the doctor. After all the doctors are not always at our service. Half an hour after the presentation of the head the nurse should not allow any further time to elapse before the complete delivery takes place, otherwise there is the danger of the child being choked. That is the moment when the nurse should send an urgent message to the doctor. Doctors are callous, they are not as sensitive as ourselves, certainly not as kind as they ought to be. If they are sent for too soon they blame the nurse but if they are sent for too late, they say it is all over. Of English medicine it has been said that the English doctors say that in the earlier stages nothing *need* be done but in the later stages nothing *can* be done. Therefore the doctors are always a hard lot to deal with and the nurse is lost between the patient and the doctor. She must be a trained nurse, an expert and know when exactly to send for assistance. She must have judgment, balance and resourcefulness.

There is quite a lot of exaggeration of the troubles of labour. But 90 per cent. or more of the deliveries in the world take place normally, as if they were merely processes of physiology without the knowledge and assistance of a doctor or even a midwife. My mother begot me after fetching a pot of water and then she lay down in the house and I was born. There was no fuss about it, no sending for the doctor or nurse, no sepsis, asepsis or anti-sepsis. That is the way in which most rural *labour* takes place. The distempers of life grow in importance with the importance of the person involved. The cold of Mahatma Gandhi is more advertised than my appendicitis. Therefore we are apt to make much of the process which after all is a normal process in life. In 90 per cent. of cases I have said the process is *normal*, yet all human precautions are taken against the *abnormal*. Thefts do not take place every day. They may happen once in 40 years. Yet we do close every night and bolt 16 doors and 20 windows. Why do I continue to take this trouble? Because life must be judged and conditioned by the doctrine of averages. That 10 per cent. of cases of misadventure we should provide against.

The question sometimes arises whether the child's life should be imperilled or the mother's, if peril is inevitable. There are certain cases in which peril is inevitable. In Germany they do not mind killing the mother to save the child, whereas in Britain the mother must be saved at any cost even at the cost of the child. National ideals and angles of vision differ. Our nurses must be educated on these various aspects. With their technical knowledge and long experience they will be able to spot or sense the time at which they feel the doctor's intervention is necessary. For this purpose you must have the right training under the Nursing Bill. I welcome this Bill and I congratulate the Honourable Minister in Charge for having brought it before the House.

Shri V. I. Munishwami Pillai (Madras: General): Sir, in supporting the Bill introduced by the Honourable Minister for Public Health I would like to say that during the short period she has been in office she brought before the House the other day a motion for the ratification of the International Public Health Organisation Convention and again on the 2nd of this month she was able to accept a resolution for the amelioration of the condition of the depressed classes. Today she has brought a very noteworthy piece of legislation which will go a long way towards the amelioration of the people of my community. The provisions that have been made here I may say have not been obtaining in the villages. Midwives and nurses are not at all obtainable in the villages. Having taken the stand to improve the lot or the condition of the Harijans I may tell the Honourable Minister that it is high time that the people of my community, who as my friend Mr. Sidhwa rightly pointed out are the most efficient people in this respect, and need encouragement. These neglected people cannot get the services of midwives or nurses, for these latter are concentrated in towns. If you look at the living places of the aboriginal tribes it is appalling. In my province in some of the districts where these aboriginal tribes live in large numbers I do not think they have seen a midwife. My learned doctor friend Dr. Pattabhi Sitaramayya was explaining the way how these confinement cases are treated. I may tell the Honourable Minister that the aborigines have no midwives at all. When a woman is about to be confined she is left in a small hut and no man, woman or child is allowed to go near it until the woman of herself is confined. This is the state of affairs in the abode of the aborigines. When these councils come into existence they must recruit proper people from the villages and from my community. I know as a matter of fact that some people who have been taken from the Harijan classes have proved more than satisfactory in the services they gave to the public. When Missionaries had their institutions near villages they have been taking our people for training as midwives. Latterly they have been converted. With the disappearance of the Europeans possibly the Missionaries zeal in this respect will also disappear. I would like the Honourable Minister to see that wherever these missionary bodies recruit and prepare midwives and nurses from the depressed classes, these people are given only the training in the profession and not for purposes of conversion to Christianity.

With these observations, Sir, I support the Bill.

The Honourable Rajkumari Amrit Kaur: Sir, I am delighted that this Bill has received the support of the House. I do not think I need say any more except to tell the Honourable Members who have spoken that this is really only a first step towards the strengthening and encouragement of this profession. Until we are able to have a Council that can prescribe a uniform minimum standard for training and qualifications we cannot get any further. But I would like to assure the Honourable Member who talked about fostering the profession that we shall certainly foster this profession. This Bill is one of the means of doing what he would have us do, that is, to make this profession something worth while. I realize that we have not got enough nurses in the villages. It is for that reason also that I want nursing to become a first-rate profession. It is a scientific profession and we can no longer afford to neglect it. Therefore I am delighted that my Honourable friend Shrimati Durga Bai withdrew the amendment for reference to Select Committee. Whether the European Missionaries remain here or not is immaterial. We want the missionary spirit to come into our people. I hope that this nursing profession will be filled with that spirit and that we shall be able to encourage it in every way.

Mr. Speaker: The question is:

"That the Bill to constitute an Indian Nursing Council, be taken into consideration."

The motion was adopted.

Mr. Speaker: I shall now take the Bill clause by clause.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I beg to move:

"That in part (c) of clause 2 of the Bill, after the word 'Province' wherever it occurs, the words 'or a State' be inserted."

Sir, the object of my amendment is to make it easy for even the acceding States, if they so choose, to bring their law regarding the Indian Nursing Council in harmony with that prevailing here. From time to time various States in India have been copying pieces of legislation made by the Central Legislature, but they took their own time. Instead of asking them to introduce similar legislation in those States, my amendment makes this applicable to the States also in case the Rulers of the States, by their Instrument of Accession or any supplemental instrument or agreement want to extend the provisions of this Bill, after it becomes an Act, to their own territory. That is the object of my amendment.

We have similar instances. For instance the Electricity Bill that was introduced the other day and which was discussed today and sent to Select Committee states (clause 3) that the Act will come into force in the Provinces on a notification being issued by the Provincial Government on such and such date. Some Provincial Governments may choose to bring it into operation immediately while some others may not wish to take advantage of it. We are therefore accustomed to this sort of provision in a legislation. The other day the Extra Provincial Jurisdiction Bill moved by the Honourable the Home Member was considered and sent to Select Committee. Under that Bill this Dominion Legislature gives power to the executive here, even over States and territories that have not acceded, and over States which have acceded, to the Union under their jurisdiction which they did not confer by virtue of the Instrument of Accession. We have got that right under Section 8 of the Government of India Act which says:

"Subject to the provisions of this Act, the executive authority of the Dominion extends to the matters with respect to which the Dominion Legislature has power to make laws, including the exercise of rights, authority and jurisdiction, in and in relation to areas outside the Dominion."

Their right extends not only to areas inside their jurisdiction but outside it also in matters with respect to which the Dominion Legislature can enact laws to be operative inside an acceding State. Clause 6, sub-clause (2) says:

"An Instrument of Accession shall specify the matters which the Ruler accepts as matters with respect to which the Dominion Legislature may make laws for the State, and the limitations, if any, to which the power of the Dominion Legislature to make laws for the State and the exercise of the executive authority of the Dominion in the State, are respectively to be subject."

Sub-clause (3) contemplates a supplementary Instrument. It says:

"A Ruler may, by a supplementary Instrument executed by him and accepted by the Governor-General, vary the Instrument of Accession of his State by extending the functions which by virtue of that Instrument are exercisable by any Dominion authority in relation to his State."

This Instrument of Accession need not be on stamp paper. If the Ruler writes a letter,—"for the sake of uniformity etc. I accept the Dominion laws with respect to such and such matters", the letter he writes and the acceptance thereon by the Governor-General become *ipso facto* a supplementary Act of Accession. That is all that is contemplated here. Then the Dominion Legislature has got power to pass laws with respect to all such matters—medical profession, nursing etc. We will be able to introduce pieces of legislation for regulating the medical profession, the Nursing Council and so on and so forth. All that I ask now is that a provision should be made here that in case the Ruler of an acceding State or territory signifies his assent that this Bill may extend to his State, there may be no need for enacting a separate legislation for the

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purpose. The law says that as soon as the Ruler of a State accedes and confers powers on the Dominion Legislature it is competent to the Dominion Legislature to enact laws, whatever might be the nature of the subject in respect of which he hands over the jurisdiction to the Dominion Legislation. He may concede the jurisdiction in respect of the medical profession, nursing or anything else. This is in keeping with various enactments under which Provincial Governments by notification bring the law into force. This is also in keeping with the power that we have taken, the principle of which was accepted when we referred to Select Committee the Extra Provincial Jurisdiction Bill that was introduced the other day by the Honourable the Home Member.

Sir, there is one more point. The question might be asked what happens if the Dominion Legislature passes an Act, after the Ruler signifies his assent, with respect to a matter which he did not originally contemplate. I would meet it this way. The States' Representatives are here; they are the representatives of the rulers or of the people. They will be in a position to safeguard the interests of the State. They can take part in the discussion and there is nothing preventing them from voting one way or the other. We need not postpone consideration of this to a separate Act being brought into existence, but can immediately pass it because the States' representatives are here who can accept or reject it from their point of view. Instead of duplicating our efforts I would urge that this amendment be accepted. It will come into operation in relation to a State only when the Ruler of a State, by a supplementary Instrument of Accession, decides to extend the scope of this to his own particular State. I would commend this for acceptance by the Honourable the Law Member, the Mover of this Bill and the whole House.

Mr. Speaker: Amendment moved:

"That in part (c) of clause 2 of the Bill, after the word 'Province' wherever it occurs, the words 'or a State' be inserted."

The Honourable Dr. B. R. Ambedkar (Minister for Law): As the amendment moved by my friend Mr. Ananthasayanam Ayyangar raises a question of law, it is only right and proper that I should take the responsibility upon myself to meet the point that arises out of his amendment. No one can deny that the object underlying the amendment of Mr. Ananthasayanam Ayyangar is a very laudable one. A Bill like this which deals

8 P.M. with the nursing profession and tries to regularize and establish that profession on a footing which would gain the confidence of all those who take service from the nurses and that it should be extended to the whole of India, I say, is a very laudable thing. But unfortunately, situated as we are, and governed as we are by the Government of India Act, 1935, as adapted, I am afraid it will not be possible to accept his amendment because I have no doubt that his amendment would make the Bill *ultra vires* of the Legislature. Sir, to explain my point I should like to state to the House that for the moment the States are linked with the Union of India in two different ways. The one way by which they are linked is what is called the standstill agreement which has been made between the Union of India and the various Indian States. The second link by which the States are bound to the Indian Union are the Instruments of Accession. Now there is a fundamental difference between the two links. The standstill agreements are purely contractual. They preserve such agreements as existed between the old Government of India and the Indian States under paramountcy before the 15th of August 1947. As I said they are purely contractual. They do not confer any jurisdiction upon the Government of India to legislate either by way of altering those arrangements or making them the foundation of any law which would bind the Indian States. Therefore, so far as we are concerned, in the matter of making any law by this legislature which is intended to be applicable to the

Indian States, it is quite clear to my mind that we cannot take our stand on the standstill agreement. We must therefore rely upon the Instruments of Accession which is the only foundation which gives us legal jurisdiction to pass any law. My submission is this, that if you take the Instruments of Accession, the Instruments of Accession, as they stand now—and I shall presently explain to the House why I emphasize 'as they stand now',—this House has no jurisdiction. In the first place this legislation relates to entry No. 16 in the Concurrent field. It does not relate, so far as the matter under legislation is concerned, to the Federal List or to the Provincial List. It relates only to the Concurrent List. Now, as everybody is aware, the Instruments of Accession, whatever power they give to the Central Legislature to legislate, definitely exclude all items which are included in the Concurrent List. I should have thought that by that very proposition, that the Concurrent Lists are not covered by the Instruments of Accession, the jurisdiction of this House is completely ousted. The only thing therefore that we have to find out is whether the Instruments of Accession which have been passed by the different States in favour of the Union of India cover anything which relates or which is equivalent to entry No. 16 in the Concurrent List. Now, Sir, these Instruments of Accession were placed on the Table of the House, and anybody who has had the time to scrutinize them would have found that the States have acceded only in respect of three subjects, and none of the subjects can be so interpreted as to include an item like item No. 16 in the Concurrent List. Therefore my submission is this, that even if we were to rely upon the Instruments of Accession, this House cannot derive any jurisdiction from those Instruments of Accession. My Honourable friend Mr. Ananthasayanam Ayyangar evidently realised this difficulty and put forth the proposition which he said was capable of being adopted by this House in order to extend the legislation to the Indian States. His proposition was this. There have been many pieces of legislation passed by this House which were limited in the first instance to certain areas, such as for instance a province or a district or any smaller area, and the Bill included a clause which enabled the executive, by a notification, to extend that particular legislation to other areas not originally included in the Bill. Now that proposition, so far as it applies to the provinces of British India, is perfectly sound. But if it were to be applied to the Indian States, it would be wholly unsound, and the reason is this. The analogy is absolutely false and not true. Now, Sir, when we apply the legislation, which is originally in the Bill itself confined to a particular area, to another area not made subject to that at the time when the Bill was passed, the position is this, that the area over which the legislation is subsequently extended to is not subject to the jurisdiction of that legislation. If the legislature wanted in the very first instance to apply that law to that area, nothing in the constitution of this Government or in the powers of the legislature could prevent the legislature from doing so. So far as the States are concerned, we have jurisdiction over their territory with regard to three subjects only; we have not got full jurisdiction. We are not limiting our jurisdiction when we are legislating with respect to a State in respect of the three subjects; we are in fact spending our legislative authority to the fullest extent that we have. The analogy, therefore, is not a correct analogy. So far as the Provinces are concerned, we have at the moment, when we are enacting the law, jurisdiction which we could exercise if we wanted to do so. That is not the case with regard to the Indian States. True enough, if a supplementary Instrument of Accession was passed we could get the jurisdiction necessary for the purpose of enacting the law; but what I would like to submit to my friend Mr. Ananthasayanam Ayyangar is that the law can never be hypothetical and a law can never be passed in anticipation of some jurisdiction being acquired. That is contrary to the principle of legislation. Law must be definite, law must be absolutely clear as to what it applies, to what it cannot apply. And therefore unless and until we have with us a supplementary Instrument of Accession

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giving the Central Legislature the power to extend this legislation to the States, I am sure we could not anticipate that there might be an Instrument of Accession which the Governor-General might accept and then we might get a chance to extend this legislation. I am sure that is contrary to the principles of legislation. All that, therefore, we must hope for, for the moment, is to confine the Bill to the Provinces of British India, to hope that we will get similar Instruments of Accession—supplementary ones—from the Indian States, when we can by law either extend our legislation to the States or the States can *pari passu* along with this legislation have similar legislation in their own States and make the provisions of this law applicable to their territory. Sir, I therefore think that this amendment would make the Bill *ultra vires* and therefore could not be accepted.

Mr. Speaker: No argument is necessary over this. After all it is a question of discussing the legal position. The Honourable the Law Minister has made the position of the Government clear. I am not sitting here as a court to hear legal arguments from both sides.

Shri K. Santhanam: Sir, I have a real point to make. This is a matter of the utmost importance because the same issue is bound to arise with almost any Bill that is coming before the House. I do not agree that the Law Minister is correct in his interpretation of law and I suggest that the Government of India should take this question to the Federal Court because I feel there is a fundamental distinction with regard to compulsory and enabling Bills. If it is a matter of compulsory jurisdiction, I entirely agree with him that we cannot extend the jurisdiction beyond the four corners of the Bill but so far as the enabling jurisdiction is concerned, I feel we shall be entirely within our powers to enact Bills which may at some time and some place come into operation. The whole question is, supposing we extend it, can that extension come into operation at some place and at some time? If it can, then it is a right Bill, if it cannot satisfy that test, then it is a wrong provision. I do suggest that it can come into force on certain conditions as described by my friend Mr. Ayyangar, on the execution of a supplemental Instrument of Accession; it can come into force in a particular State and at a particular time, and therefore I think it is an entirely right position, and I suggest to the Government of India that they should take proper legal opinion; they may refer this to the Federal Court and get its opinion under the Declaration Section.

Shri M. Ananthasayanam Ayyangar: Sir, I am only asking one question of the Honourable the Law Minister. He will see that under Section 5 of the Government of India Act as adapted, the Dominion of India includes "any other areas that may with the consent of the Dominion be included in the Dominion". We may assume that "any other area" comes into the Dominion; shall we once again pass a similar Act applying that to the Dominion? Automatically it becomes part of the Dominion. I suggest let us not restrict the scope to Provinces alone. Say "India", to whomsoever it applies.

Mr. Speaker: The point has been cleared. Does the Honourable Member press his amendment now?

Shri M. Ananthasayanam Ayyangar: I do not, Sir.

Mr. Speaker: Has the Honourable Member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri K. Santhanam: Sir, I move:

"That in sub-clause (1) of clause 3 of the Bill, the following new part (o) be added at the end, namely :

'(o) two members elected by the Central Legislature'."

In all the bodies which are set up and financed by the Central Government we have similar representation. We have representation in the Indian Institute of Science at Bangalore, the Delhi University and in other bodies. It may be objected that this is a purely technical institution and therefore there may not be any popular representative; but the people are very interested in this nursing profession and I think there should be some opportunity for our Lady Members, doctors and others in this Assembly to keep in touch and know how this Bill is working so that when there is an amendment of the Bill they may help us. I hope the amendment will be accepted by the Honourable the Minister.

Mr. Speaker: Amendment moved:

"That in sub-clause (1) of clause 3 of the Bill, the following new part (o) be added at the end, namely :

'(o) two members elected by the Central Legislature'."

The Honourable Rajkumari Amrit Kaur: Sir, we had not included any Members of the Central Legislature simply because this Body was going to be concerned solely with educational standards, that is, professional standards of training, and it was to be and will be an expert body. But if the House wishes to stress this point, and if they are anxious, and also if it means that they are really going to be interested in the nursing profession and will give me every support in everything that I want to do for encouraging and raising the standard of this profession, I will accept the amendment.

Mr. Speaker: The question is:

"That in sub-clause (1) of clause 3 of the Bill, the following new part (o) be added at the end, namely :

'(o) two members elected by the Central Legislature'."

The motion was adopted.

Shri K. Santhanam: Sir, I move:

"That in the Proviso to sub-clause (2) of clause 3 of the Bill, all the words occurring after the words 'Central Government' where they occur for the second time be omitted."

The point is very simple, Sir. Here it is said that the Central Government nominates certain members and for the first time when it nominates a President, it may be a non-member. I do not see any necessity for a non-member being brought in when the Central Government has power to nominate members. Therefore I move this amendment.

Mr. Speaker: Amendment moved:

"That in the Proviso to sub-clause (2) of clause 3 of the Bill, all the words occurring after the words 'Central Government' where they occur for the second time be omitted."

The Honourable Rajkumari Amrit Kaur: Sir, I accept the amendment.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, on a point of order, regarding the words "accept the amendment". The effect of that "acceptance" in a public meeting is at once automatically to convert the original Resolution and the amendment into one complete Resolution. But here in this Assembly we cannot accept a Resolution in the same sense. What "acceptance" should mean in the circumstances, should be that the Honourable the Mover of the Resolution or the Motion would be prepared to support the amendment. That is the constitutional significance of the word "acceptance" as it has been used here. But as it has already acquired a constitutional significance in regard to general meetings, I think the word "acceptance" should not be used in a

[Mr. Naziruddin Ahmad]

different sense here as far as possible. In fact, it may have a misleading effect, although by your own ruling you have been making it absolutely clear that it is for the House to "accept" it or not. I submit, therefore, that the word "accept" should not be allowed to be used in the House. To use one expression in different senses, one in this House and one outside it, might lead to confusion and that confusion should not be allowed to creep in. That is the humble suggestion which I submit for your consideration.

Mr. Speaker: With due deference to the Honourable Member, I do not see any chances of confusion, because we are governed by our own rules and regulations; we are not governed by the law which governs public meetings. I do not see what other expression than "accept" can be used. It is competent for the House to reject the amendment, although she may accept it.

Mr. Naziruddin Ahmad: I was suggesting that the Honourable the proposer of the original motion or resolution should say, she would be prepared to "support" the amendment. That would be more accurate and remove a legal complication.

Mr. Speaker: I think "accept" would be perhaps a more suitable term, because the Honourable Member is in charge of the Bill and it is her choice whether to accept any suggestion made or not. I would like to look at it from that point of view. However, the matter is not of very great importance.

The question is:

"That in the Proviso to sub-clause (2) of clause 3 of the Bill, all the words occurring after the words 'Central Government' where they occur for the second time be omitted."

The motion was adopted.

Shri M. Ananthasayanam Ayyangar: Sir, before you proceed to clause 3, I have got a consequential amendment to make. The proviso to sub-clause (2) of clause 3, as amended by Mr. Santhanam's amendment reads:

"Provided that for five years from the first constitution of the Council the President shall be a person nominated by the Central Government. . . ."

The intention of Mr. Santhanam's amendment is that Government will not have the power to bring in outsiders. The Government have powers to nominate all members of the Council. They have also power to nominate the President. As the clause stands now, they have power to nominate even a non-member. Therefore, we should state wherefrom the President shall be nominated. I suggest that "from among the members of the Council" should be added immediately after the words "nominated by the Central Government".

The Honourable Rajkumari Amrit Kaur: Sir, I have already got a similar amendment. The Honourable Member has intervened before I moved it. I beg to move:

"That in the Proviso to sub-clause (2) of clause 3 of the Bill as amended, after the words 'person nominated', the words 'from amongst the members of the Council' be inserted."

Mr. Speaker: The question is:

"That in the Proviso to sub-clause (2) of clause 3 of the Bill as amended, after the words 'person nominated', the words 'from amongst the members of the Council' be inserted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 to 9 were added to the Bill.

Shri K. Santhanam: Sir, I do not wish to move amendment No. 7. I move only No. 8. I beg to move:

"That in part (i) of the second proviso to sub-clause (3) of clause 10 of the Bill, for the words 'subject to any earlier termination of the arrangements in accordance with the terms thereof' the words 'unless the Council decides otherwise' be substituted."

The proviso reads:

"any reciprocal arrangements subsisting at the date of commencement of the Act between a Provincial Council and any authority outside India for the recognition of qualifications continue in force."

The reciprocal arrangements are there, and the terms by which they can be terminated are also there. But there should be a provision that the Central Council shall have the authority to direct the Provincial Council to terminate them earlier because they may be inconsistent with the whole scheme. It is this lacuna which my amendment seeks to fill, by saying "unless the Council decides otherwise" instead of saying "subject to any earlier termination of the arrangements in accordance with the terms thereof".

Mr. Speaker: Amendment moved:

"That in part (i) of the second proviso to sub-clause (3) of clause 10 of the Bill, for the words 'subject to any earlier termination of the arrangements in accordance with the terms thereof' the words 'unless the Council decides otherwise' be substituted."

The Honourable Rajkumari Amrit Kaur: Sir, I accept the amendment.

Mr. Speaker: The question is:

"That in part (i) of the second proviso to sub-clause (3) of clause 10 of the Bill, for the words 'subject to any earlier termination of the arrangements in accordance with the terms thereof' the words 'unless the Council decides otherwise' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clauses 11 to 15 were added to the Bill.

Shri M. Ananthasayanam Ayyangar: Sir, I beg to move:

"That in sub-clause (2) of clause 16 of the Bill, for the words 'the President may, with the previous sanction of the Central Government', the following be substituted, namely:

'the Central Government may'."

Sub-clause (2) reads thus:

"To enable the Council to be first constituted the President may, with the previous sanction of the Central Government, make regulations for elections."

Now, if a President may be nominated by the Government who is not a member of the Council, that is an outsider, then this provision is all right. But we have provided now that the President shall be a member of the Council and shall be nominated from among the members of the Council. Thus for the Council to be first constituted, the President is not there. He has not come into being. This seems to be a little inverted. I would suggest therefore that the Central Government may frame rules instead of the President. The simple thing, the President does not come into being. Wherefrom does he come into being when the Council itself has not been constituted? You must first of all have a Council. We have accepted the principle that Members of the Council have to be appointed and thereafter one of them must be made the President. I do not see how this clause will apply when the President will only be a member of the Council before he is appointed. The Government alone can frame the rules and regulations under which the elections can be held.

The Honourable Dr. B. R. Ambedkar: The position is, as I said on the last occasion, this legislation refers to entry No. 16 in the Concurrent Legislative List. The executive authority with regard to the legislation framed under the Concurrent Legislative List does not vest in the Central Government. Rule-making has been interpreted to be in exercise of the executive authority and the Central Government does not possess that executive authority and therefore, they cannot make the rules. The rules may be made by somebody else. If my Honourable friend objects to the President making the rule, he may suggest some other method to making them, though he certainly cannot make any amendment whereby the responsibility or the authority for making the rules shall be vested in the Central Legislature. Section 8(1) of the Government of India Act and section 49 (2) of the Government of India Act of 1939 are quite clear on this point.

Shri K. Santhanam: Here again, I find that it is rather a curious law that has been expounded the Central Government cannot make rules. A nominee of the Central Government can make rules but not the Central Government. The present proposal is that the President should be nominated by the Central Government and he may make rules. After all it is a Council of All India and I cannot see any authority in the Government of India to make rules. It is only so far as Provincial Councils are concerned that directions cannot be issued. I therefore think that the law as expounded is altogether wrong. The Central Government should have the power. I therefore suggest that the amendment should be accepted.

Shri M. Ananthasayanam Ayyangar: I am appealing to my honourable friend for this reason. Assuming that the Government of India accepts and all these rules and regulations are incorporated in the Act itself what has my friend to say to that? We are now assuming clauses and brought this Act into existence and instead of giving the rule-making power to somebody, we will assume we will sit together and adjourn in a week; we incorporate it in this Act. Would he then say that we had no jurisdiction? Therefore whatever regulation is made shall have to be part and parcel of the Act itself.

Shri M. S. Aney (Deccan and Madras States Group): I find some difficulty in supporting the amendment of my Honourable friend Mr. Ananthasayanam Ayyangar. It appears to me to be inconsistent with the scheme which the author of this Bill or the Government who had brought the Bill have in view. They want to create an autonomous Council to do all the work which this Bill has in view. It is for that purpose that the Central Government is denying the power of making rules to themselves and not conferring them upon any other Government. In this case it gives the power to the President of the Council to make those rules in the first place and also gives the power to the Council to alter them if necessary. The Government gives this power to the autonomous council which is to be created under that law. I therefore cannot support the amendment of my Honourable friend, Mr. Ananthasayanam Ayyangar.

Mr. Speaker: I have not much understood the legal niceties of the thing. May I point out one thing? The power is given here by clause (2) to make regulations for the conduct of the elections referred to in sub-section (2) of section 5 and section 5 specifically refers to elections under sub-section (1) of section 3 by Provincial Councils shall be conducted in accordance with...etc. So the rule-making, as the Honourable the Law Member has pointed out, is a matter for the Provincial Councils and not for the Central Government. This is how his argument goes.

Shri M. Ananthasayanam Ayyangar: Then he must remove the words "with the approval of the Central Government".

Mr. Speaker: He need not necessarily remove it. That will be a sort of check. The initial power will be exercised by the Provincial Government, but this applies only at the initial stages and not later on.

Shri K. Santhanam: Then the Central Government is the arbitrator—the final authority.

Mr. Speaker: Whatever it may be, his position seems to be that, but that is a matter of opinion. It may appear to some as valid, but to others it may not. Does the Honourable Member press the amendment?

Shri K. Santhanam: Yes, Sir; otherwise the thing will be inconsistent.

Mr. Naziruddin Ahmad: (With regard to the contention that the Central Government have no jurisdiction to make rules even if this amendment is carried, I think the contention is not right. The House has jurisdiction to legislate over this matter. The Central Government has not power apart from this amendment, but we are by this amendment going to authorise and empower the Central Government to make rules. The authority which was not there is directly being conferred by this amendment. If this amendment is accepted, I fail to see why the Central Government will have no jurisdiction. If we have the power to authorise a subordinate body to make rules, I do not see how we cannot authorise the Central Government to make the rules. The question depends on the House having jurisdiction over the subject matter itself, and if we are assured of that, I think there will be no difficulty.

Mr. Speaker: I should not be taken to give a very considered opinion over this; it will require some time. To give power to the Central Government would perhaps be running counter to section 5 as incorporated. Is the Central Government to arbitrate in the matter, and sub-section (1) of section 5 leaves the election to the Provincial Councils, then the power should be left as it is. Otherwise the Central Government will be both a rule-making body and also an arbitrator. There seems to be some contradiction in the two positions.

Shri K. Santhanam: It is only for the first elections. Afterwards the Council will make its own rules.

Mr. Speaker: I do not propose to argue the merits at all. I am merely pointing out in the interest of better legislation what appears on the face, but it is entirely for the House to accept or reject it. I am putting the amendment to the House then.

Mr. R. K. Sidhwa: Has the Honourable Minister accepted that.

Mr. Speaker: No. The question is:

“That in sub-clause (2) of clause 16 of the Bill, for the words ‘the President may, with the previous sanction of the Central Government’, the following be substituted, namely: ‘the Central Government may.’”

The motion was negatived.

Mr. Speaker: The question is:

“That clause 16 stand part of the Bill.”

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Rajkumari Amrit Kaur: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

DELHI PREMISES (REQUISITION AND EVICTION) BILL

The Honourable Shri N. V. Gadgil (Minister for Works, Mines and Power): Sir, I beg to move:

"That the Bill to confer certain powers in respect of premises in the Province of Delhi, as reported by the Select Committee, be taken into consideration."

Much of the ground with regard to this Bill was covered at the time when the Select Committee motion was made and accepted by the House and this need not be repeated. In the Select Committee certain new provisions have been incorporated and the whole Bill has been arranged in such a manner as to make it more systematic. The main changes made in the Select Committee are these; firstly, with regard to the extension of the application of this Bill, in the original Bill the whole of the Delhi Province was to be the area from the beginning; now it has been accepted that it will extend to the Notified Area of the Civil Station of Delhi, to New Delhi and Karol Bagh areas, but the Central Government may by notification in the official Gazette extend this Act to such other area or areas in the province of Delhi as may be specified. The second change made in the original Bill is about duration. It shall remain in force till the 31st December, 1949, but the Central Government may, by notification in the official Gazette, extend it for a further period of one year. Then so far as the requisition procedure is concerned, it has now been laid down in clause 8 that there will be a sort of preliminary notice to the landlord or tenant or, possibly where necessary, to both, when an opportunity will be given to them to represent if they have any objections; and after what they have to say has been taken into consideration, final orders as regards requisition will be passed. There has been a further amendment which is in the proviso to sub-clause (4) of clause 8. That proviso states that where a landlord or tenant is using any premises for the residence of himself or his family the competent authority shall as far as possible provide alternative accommodation which in the opinion of the competent authority is suitable. In the original Bill this provision was not there, although while speaking on the motion I stated that as far as possible efforts were made to accommodate the actual occupant, whether it was the landlord or whether it was the tenant. Now what was being done actually has been incorporated in the Bill, although the House may find from the Minute of Dissent of certain members that they are anxious to delete this "as far as possible" and to make it a statutory obligation on the requisitioning authority that no house can be requisitioned unless an alternative accommodation is found out. If I were to accept that it would frustrate the whole object of the Bill and therefore it was not accepted in the Select Committee, and the majority in the Select Committee was convinced that such acceptance would be tantamount to sabotaging the whole Bill.

Then with respect to the procedure for taking possession after the requisition order has been passed certain difficulties have been experienced. In the original Bill the provision was that the matter was to be taken up to the civil court having jurisdiction and the order was to be executed as if it was a decree. But all those delays in which lawyers delight were experienced and in view of the very peculiar circumstances in which Government find themselves with respect to the accommodation question it was decided that a quicker remedy ought to be provided. Therefore it has been provided in sub-clause (2) of

clause 6 that as soon as an order is made and the person concerned does not comply with it the competent authority may take possession of the premises requisitioned forthwith. But we have also added a safeguard that as against this order provision has been made for an appeal.

Another important change that has been made by the Select Committee is with respect to the definition of 'compensation'. As a matter of fact many factors were taken into consideration and the original definition was not sufficiently definite, So it has now been decided that the word 'compensation' should consist as detailed in clause 7 and factors such as expenses required for going out of and coming into the premises may also be taken into consideration.

Then in the original Bill the rights and liabilities of the requisitioning authorities were not defined and matters were left vague. The question that was mooted was whether the relationship was one of landlord and tenant and, if that is so, whether the general provisions of the Transfer of Property Act applied or not. Then it was finally decided that such provisions of the Transfer of Property Act as were absolutely necessary for properly defining the relationship between the requisitioning authority and the landlord or the tenant, who-soever might be the occupant, should be embodied in this Bill. That has been done, as you will see, in clause 8.

Then there is only a small amendment made in the clause that reserves the power to make rules, and that is with respect to the procedure to be followed in taking possession of the premises required. And that has become necessary because of the fact that now the competent authority can take possession forthwith.

These are the main changes and in view of the great urgency of this Bill being enacted I request the House to pass this motion for consideration.

Mr. Speaker: Motion moved:

"That the Bill to confer certain powers in respect of premises in the Province of Delhi, as reported by the Select Committee, be taken into consideration."

پلڈت تھاکر داس بھارگو (ایسٹ پنجاب جنرل): مانیلہ سپیکر صاحب اس میں شک نہیں جیسا کہ آنریبل موفر نے فرمایا ہے یہ بل سلیکٹ کمیٹی سے جس شکل میں اب ہمارے پاس آیا ہے پہلے کی نسبت بہت اچھا ہے۔ اسمیں بہت سی ایسی باتیں ہیں جو کہ original بل میں نہیں تھیں۔ اسلئے ایسارے میں کچھ عرض کرنا نہیں چاہتا کیونکہ آنریبل موفر نے پہلے ہی اس کے سلسلے میں ذکر کیا ہے۔ میں آپ کی توجہ اس کی ان باتوں پر دلاؤنگا جو کہ unsatisfactory ہیں میں اس وجہ سے ان تمام amendments کی مفصل دلائل میں نہیں جانا چاہتا جو کہ اس بل کے بارے میں میرے نام اور دیگر اصحاب کے نام پر ہیں۔ میں صرف اپنی دوسری amendment کے بابت کچھ عرض کرونگا کیونکہ میں شاید اسکو آئندہ move نہ کر سکوں۔ Land acquisition اور Land requisition کے سلسلے میں جس بات کی طرف میں توجہ دلانا چاہتا ہوں۔ اس بارے میں میری یہ گزارش ہے کہ گورنمنٹ کو مکانات اور گھروں کو requisition کرنے سے پہلے اس بات کا declaration کرنا چاہیئے کہ وہ کس پبلک purpose کے لئے لئے جاتے ہیں۔ اگر گورنمنٹ یہ نہیں کرتی ہے تو گورنمنٹ کو مکانات

[بلندت تھاکر داس بہارگوا]

اہلے کا حق نہیں ہے - اس میں شک نہیں کہ پرنیویٹ مکٹوں اور گھروں کے acquisition اور requisition کو public purpose کے لئے رکھا ہے - لیکن تاہم یہ ضروری ہے کہ ایسا کرنے سے پیشتر اس بات کا declaration کیا جائے اور اسکو حکم میں ہی ظاہر کیا جائے کہ یہ مکانات فلاں پبلک purpose کے لئے requisition کئے جاتے ہیں - اور اگر اس بل میں اس بات کا کوئی provision نہیں کیا گیا ہے تو ایسا کرنا چاہئے تھا - تاکہ اہلہل کرنے کے وقت ایسا کوئی سوال نہ اٹھے - کہ اسکو کسی خاص purpose کے لئے لیا گیا ہے یا نہیں - رول نمبر ۸ کے سن (۱) میں یہ درج ہے کہ گورنمنٹ جو public purpose ظاہر کرے - اسکے خلاف مکٹن کو استعمال نہیں کر سکتے -

اگر اس آرڈر میں جس کی رو سے مکٹن requisition کیا گیا ہو اس میں خاص پبلک purpose ظاہر نہ کیا جائے تو رول نمبر ۸ فصلی (۱) بے معنی ہوگا - Land Acquisition Act کے دفعہ نمبر ۴ اور دفعہ نمبر ۳۵ میں یہ بات واضح طور پر درج کی گئی ہے - لیکن اس بل میں اسکو provide نہیں کیا گیا ہے کہ کس پبلک purpose کے لئے کوئی مکٹن یا مکانات requisition کئے جائیں گے - رول نمبر ۸ فصلی (۱) میں اہلہل کے متعلق درج کیا گیا ہے لیکن جب کوئی اہلہل ہو تو وہاں پر یہ سوال ضرور پیدا ہوگا کہ کس خاص پبلک purpose کے لئے requisition کیا گیا تھا اسلئے یہ ضروری ہے کہ requisition کے حکم کے اندر یہ ظاہر کیا جائے کہ فلاں پبلک purpose کے لئے requisition کیا جا رہا ہے - دوسری بات جو اس بل میں ہے وہ یہ ہے کہ دفعہ نمبر ۴ کے تحت compensation دیا جائیگا اگر قانونی نقطہ نظر سے اسکو دیکھا جائے تو یہ درست نہیں ہے کیونکہ اگر فریقین آپس میں فیصلہ پر نہ پہنچ جائیں تو سنٹرل گورنمنٹ کو اختیار ہوگا کہ وہ arbitrator مقرر کرے جو دراصل دونوں فریقوں کے درمیان سے مقرر کیا کرتے ہیں لیکن اس دفعہ کی رو سے اسکا اختیار سنٹرل گورنمنٹ کو ہی ہوگا اور ان آدمیوں کو نہیں جن سے کہ مکانات requisition کئے گئے ہیں - اس دفعہ کی رو سے صرف سنٹرل گورنمنٹ کو ہی اختیار ہوگا کہ وہ arbitrator مقرر کرے چاہے وہ اسکو arbitrator کا نام دیں یا assessor کا یا judge اس سے کوئی فرق نہیں پڑیگا - کیونکہ ہر ایک آدمی اپنی بیوی کو بہکم کہہ کر پتکار سکتا ہے - arbitrator مقرر کرنے کے بارے میں جو اس بل میں درج کیا گیا ہے اس بارے میں میڈی یہ گذارہں ہے کہ ہائی کورٹ کا جج ہر وہ practitioner ہو سکتا ہے جس کی پریکٹس دس سال کی ہو اسلئے اس کے متعلق میں یہ کہنا چاہتا ہوں کہ چاہے گورنمنٹ اپنے کسی امیر کو arbitrator مقرر کرے یا کسی دوسرے کو مگر وہ شخص impartial ہونا چاہئے - تاکہ وہ کسی بھی compensation کے dispute کا فہر جائیدادوں سے فیصلہ کرے - اس بات کا خیال رکھے کہ compensation کس بل پر دیا جاتا ہے -

Land Acquisition Act کا تعلق اس سے ہے اور اسکی دفعہ ۲۳ میں Land acquisition کے وقت معاوضہ تجویز کرنے کے لئے اصول درج کئے گئے ہیں۔ اس دفعہ کے اصول Premises Requisition Act کیلئے apply نہیں ہو سکتے۔ اگر آپ فور سے ملاحظہ فرمائیں تو معلوم ہوگا کہ Land Acquisition Act کے دفعہ نمبر ۲۳

کے principles اسکے ساتھ apply ہی نہیں ہو سکتے ہیں۔ اس دفعہ ۲۳ کا حال ہے اور وہ سب غیرمتعلق ہیں compensation کے بارے میں مہری یہ گذارش ہے کہ اسکے لئے کچھ فیصدی مقرر کیا جانا چاہئے خواہ وہ پندرہ فیصدی ہو یا پانچ فیصدی ہو۔ لیکن مقرر ضرور ہونا چاہئے اور معاوضہ ضرور دیا جانا چاہئے۔ مہری گذارش یہ ہے کہ اس بل میں کسی بھی اصول معاوضہ کو درج نہیں کیا گیا ہے۔ اس بل میں arbitrator کو یہ نہیں بتایا گیا ہے کہ compensation کو تجویز کرتے وقت اسکو کن کن باتوں کو consider کرنا چاہئے معاوضہ مقرر کرنے کے لئے arbitrator کو یہ نہیں بتایا گیا ہے کہ اسکو یہ دیکھنا چاہئے کہ یہ ممکن کس کرایہ کا تھا۔ پہلے اسکا کتنا کرایہ آیا تھا اور آجکل کتنا کرایہ آتا ہے اس پاس کے مکانات کا اور ان کے متعلق باتوں کو زیر غور رکھ کر وہ compensation مقرر کرے اور اسکے علاوہ اس بل میں یہ درج ہے کہ جب ایک ممکن requisition کہا جائے تو سنٹرل گورنمنٹ کی مرضی ہے کہ وہ جس طرح چاہے اسکو استعمال کر سکتی ہے۔ نہ ہی اس میں یہ بتایا گیا ہے کہ جس حالت اور صورت میں یہ ممکن requisition کرتے وقت لیا گیا تھا اسی حالت میں یہ واپس کیا جائیگا landlord پر یہ پابندی عائد کی گئی ہے کہ order of requisition ہونے کے بعد وہ اس میں کچھ بھی addition یا alteration نہیں کر سکتا ہے لیکن یہ نہیں درج ہے کہ جب وہ واپس کیا جائے تو وہ اسی حالت میں ہو جس میں کہ وہ requisition کرنے کے وقت تھا۔ اسلئے مہری یہ گذارش ہے کہ جس طرح سے ایک پرائیویٹ شخص landlord سے tenant کی حیثیت میں ممکن لیتا ہے ٹھیک اسی طرح گورنمنٹ کو بھی کرنا چاہئے اور گورنمنٹ کو اتنے اختیارات نہیں ہونے چاہیں۔ اگر ایسا ہوگا تو یہ بے حد ناانصافی ہے۔ اسکے علاوہ جو بات مہری سمجھ میں نہیں آتی وہ سلہکت کمیٹی نے بھی صاف نہیں کی ہے۔ اس بل کی دفعہ نمبر ۱۳ ضمن (۲) میں درج ہے

“.....No suit or other legal proceedings shall lie against the Central Government, for any damage caused or likely to be done in pursuance of this Act or any order made thereunder.”

یہ جو protection گورنمنٹ کو اس دفعہ کی رو سے دی گئی ہے بہت زیادہ ہے گورنمنٹ کو دفعہ نمبر ۸ میں کافی protection دیدی گئی ہے اس لئے اس بل کے اندر یہ دفعہ (۲) (۱۳) غیر ضروری ہے۔ جس طرح سے گورنمنٹ نے compensation

[پنڈت تھاکر داس بھارگو]

دینا سانا ہے اس طرح سے انہیں چاہئے کہ وہ arbitrator کو یہ حکم دیں کہ وہ نقصان مکن یا مختلف استعمال مکن کا خیال رکھ کر compensation دے جس غرض کے لئے گورنمنٹ نے کوئی چیز requisition کی ہو اور اس غرض کو پورا کرنے میں اگر مالک مکن کو کچھ نقصان ہوا ہو تو انہیں چاہئے کہ وہ یہ provision اس بل میں کریں کہ compensation کے criterion اس بات کو بھی درج کیا جائے - تاکہ arbitrator compensation دیتے وقت اس بات کا خیال رکھے -

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Hussain Imam (one of the Panel of Chairmen).]

دوسری گزارش مہری یہ ہے کہ جس بل پر اس بل کے متعلق سلیکٹ کمیٹی میں note of dissent رکھا گیا ہے اس کے متعلق میں جناب کی توجہ کو بریل Procedure Code کے دفعہ نمبر ۵۲۱ کے اصول کی طرف دلانا چاہتا ہوں اس میں درج ہے -

"Whenever a person is convicted of an offence attended by criminal force or show or by criminal intimidation, and it appears to the Court that by such force or show of force or criminal intimidation any person has been dispossessed of any immovable property, the Court may, if it thinks fit, when convicting such person or at any time within one month from the date of the conviction, order the person dispossessed to be restored to the possession of the same."

جناب وا - اصل قانون یہ ہے کہ اگر کسی شخص کو کسی جائیداد سے بے دخل کیا گیا ہو جس کا اس کو دخل ہوتا ہے - تو وہ دخل اس کو ملنا چاہئے اور اگر اس بل کی اس دفعہ کو مانا جائے تو معاملہ دوہم برہم ہوتا ہے - جو اختیارات اس بل کی رو سے Estate Officer کو دئے گئے ہیں مہری رائے میں وہ نہایت ہی غلط ہے - وہ قانوناً غلط ہے - انصافاً غلط ہے اور morally بھی وہ غلط ہے - وہ اختیار یہ ہیں

"Where any premises requisitioned under this Act are to be released from such requisition, the competent authority may, after such inquiry if any as he may in any case consider it necessary to make, specify by order in writing the person to whom possession of the premises shall be given."

جناب عالی ا جہاں تک عدالتوں کے civil and criminal اختیارات کا تعلق ہے مجھے ایسا کوئی بھی قانون معلوم نہیں ہوتا ہے - جیسا کہ اس بل کے اس دفعہ نمبر ۹ میں درج کیا گیا ہے - اس لئے اس دفعہ کو بل میں درج کر کے Estate Officer کو اس طرح اختیار دیکر لوگوں کے حقوق پر برا اثر پڑے گا - اس لئے یہ جائز نہیں ہوگا - مثال کے طور پر میں یہ عرض کر رہا ہوں کہ اگر کسی شخص نے پچاس ہزار روپیہ میں کوئی جائیداد خود خریدی ہو اور اسے پچاس ہزار کی قیمت بائع کو دی ہو اور اس کے بعد کچھ تنازعہ ہو جائے - اور مشتری کو قبضہ نہ مل سکا ہو بائع نے روپیہ لے لیا ہو - اور اس کی رجسٹری تنازعہ کی وجہ سے نہ ہو سکی ہو اور اس دوران میں کہ

اپنی مشدوری کے قبضہ کو ساڑھے گیارہ سال ہوئے ہوں گورنمنٹ مکن کو Requisition کر لے اور ایک سال گورنمنٹ کا قبضہ رہے تو وہی گورنمنٹ کو دفعہ ۹ کی رو سے اختیار ہوگا کہ مشدوری کو قبضہ نہ دے بلکہ اصل مالک کو دیدے اگر ایسا کیا جائے تو مشدوری کا حق ہمیشہ کے لئے پائیدار ہوگا۔ چاہے Estate Officer اپنی غلطی سے یا نیک نیتی سے ایسا کرے۔ اس بل میں اس بات کا بالکل خیال نہیں رکھا گیا ہے۔ حالانکہ یہ ایک بہت ہی اہم اور ضروری معاملہ ہے۔ آج آنریبل ممبر نے خود یہ کہا کہ قبضہ Title ۱۰/۹ کا جزو ہوتا ہے۔ اس لئے قبضہ کی حفاظت کا خیال رکھنا لازمی ہے۔ لیکن جو اختیارات Estate Officer کو دئے گئے ہیں اُسکے مطابق اگر اُس نے اصلی آدمی کو جائیداد واپس کرتے وقت قبضہ نہ دیا تو وہ عدالت میں بھی قبضہ حاصل نہیں کر سکتا اسکو انگریزی میں Tertium-quid کہتے ہیں۔ جب وہ آدمی عدالت میں دعوئی کرے جسکا بہتر right ہو تو اگر دوسرے آدمی کا right خراب ہو تو قبضہ اسی شخص کو ملیگا جسکا possession ہو اسلئے Estate Officer کو اس قسم کے اختیارات دینا لوگوں کو دقتوں میں ڈالنا ہے۔ میری رائے میں اس بل کو منظور کرنے سے قانون کا یہ منشا نہیں ہے کہ لوگوں کے حقوق غیر محفوظ ہو جائیں۔ اس بارے میں یہ کہا جا سکتا ہے کہ اس میں کوئی ہرج نہیں ہے کہ قبضہ اُسکو نہ دیا جائے۔ اُسکو عدالت سے قبضہ ملیگا۔ لیکن میری گزارش یہ ہے کہ اس بل کو مد نظر رکھ کر اس قانون میں یہ provision کہا جائے کہ جس آدمی سے قبضہ لیا گیا تھا گورنمنٹ اسی کو جائیداد واپس کرنیکہ وقت قبضہ دے Estate officer کو اختیار ہے کہ اگر وہ مناسب خیال کر لے تو enquiry کرے۔ لیکن اگر وہ یہ مناسب خیال نہ کرے کہ enquiry کی جائے تو بعض حالات میں وہ جائیداد اُن کے ہاتھوں میں جایگی جو دراصل مالک نہ ہونگے۔ اگر آپ کا منشا یہ ہے کہ اُن کے حق چھینے جائیں تو ایسے اختیارات اُن افسران کو دیئے جائیں۔ ورنہ بصورت دیگر قبضہ اسی کو مانا چاہئے جس سے کہ requisition کے وقت لیا گیا ہو۔ اگر ایسا نہیں ہوگا تو یہ بے حد نا انصافی ہوگی اور لوگوں کے حقوق پائیدار ہو جائینگے۔ اس لئے میں نے ترمیم پیش کی ہے۔ اور میں آنریبل ممبران ہاؤس سے درخواست کرتا کہ وہ اس کو منظور فرمائیں۔

دوسری بات جو میں گزارش کرنا چاہتا ہوں وہ یہ ہے۔ کہ دفعہ ۱۱ کی رو سے یہ قانون گورنمنٹ کے مکانوں پر بھی apply کرتا ہے۔ کیا گورنمنٹ یہ چاہتی ہے کہ جو شخص بہت عرصہ سے اُن کے مکان میں رہتا ہے اُسکو اُن قانون کی رو سے سڑک پر نکال دیا جائے۔ اس سلسلے میں میں آپ کی توجہ اُس ایٹ کی طرف دلانا چاہتا ہوں۔ جو کہ اُس ہاؤس نے ۸ ماہ ہوئے پاس کیا۔ وہ بل سائیکٹ کمیٹی میں بڑھادی گئی وہاں سے وہ واپس ہاؤس میں آئی اور اس ہاؤس نے اُسکو پاس کیا اور فیصلہ یہ کہا گیا کہ پرائیوت مکانات کے بارے میں جو پرانی sub-letting ہوئی تھی وہ جائز

[پلڈت تھاکر داس بیاڑگو]

قرلو دی گئی۔ لیکن آئندہ کے لئے sub-letting ناجائز قرار دی گئی۔ یہ قانون دہلی اجسہر مارواڑ ایکٹ مارچ اپریل ۱۹۴۷ء میں پاس کیا گیا لیکن اب جو بل پیش ہوا ہے اُس کی رو سے اُن لوگوں کو جنہوں نے Subtenants کی حیثیت میں جگہ لی تھی اور جو پچھلے قانون کی رو سے جائز قرار دی گئی ہے گای میں پھینکا جائیگا۔ گورنمنٹ کو معلوم ہے کہ دہلی میں بے شمار شرنارتھی آگئے ہیں ان میں سے بہت کم آدمی گورنمنٹ کے Camps میں ٹھہرے ہیں اور زیادہ تر لوگ اپنے رشتہ داروں کے پاس ٹھہرے ہوں۔ حکومت نے خاص طور پر پچھلی دفعہ قانون ان ہی لوگوں کے لئے پاس کیا تھا۔ مدعا یہ تھا کہ ان لوگوں کو Accommodation مل جائے۔ جو کوارٹرز گورنمنٹ کے تھے اُن میں سے لوگ نہیں نکلتے تھے۔ گورنمنٹ کو معلوم تھا کہ ان کوارٹرس میں رہنے والے آدمیوں نے اپنے کوارٹرز کا کچھ حصہ Sublet کیا ہے اور وہ لوگ ان Subtenants سے کرلیہ لیتے ہیں۔ جب گورنمنٹ کو یہ علم تھا اور اُسکا علم ہوتے ہوئے بھی اُس قانون کو اسوقت پاس کیا تو مہری سچہ میں نہیں آتا کہ اب یہ بل کہوں پوھی کیا جا رہا ہے اسوقت آپ نے جو یہ بل پرائیویٹ مکنات کے بارے پوھی کیا ہے اسکو آپ ان کوارٹرز پر بھی حاوی کریں اُنکو آپ نے اس بل کی رو سے مٹائے کیوں رکھا ہے اس میں شک نہیں یہ گورنمنٹ کے اختیار کی بات ہے اور میں چاہتا ہوں کہ گورنمنٹ کو اختیار ہونا چاہئے اور مجھے آئریبل ملسٹر جو اس ٹیپارٹمنٹ کے انچارج ہیں پر پورا رشواس ہے۔ لیکن میں یہ گذارش کرونگا کہ آپ کو ایسا قانون بنانے سے یہ کرنا پویگا کہ ان لوگوں کو جنکو کہ آپ نے پہلے قانون کو پاس کر کے Sub-let کرنے کی اجازت دی ہے۔ اُنکو گاہوں میں نکالنا پویگا۔ مجھے یہ رشواس ہے کہ حکومت کا مقصد نہ ہوگا۔ لیکن اگر ایسا ہو تو بھی مہری یہ گذارش ہے کہ جب تک ان لوگوں کے لئے alternative جگہ کا انتظام نہ کیا جائے تب تک حکومت کو یہ اختیار نہ ہوگا کہ وہ اپنی مرضی سے ان لوگوں کو سڑک پر نکل دیں۔

یہ چند ایک خاصاں ہیں جو اس بل میں جھکو معلوم ہوتی ہیں اور میں نے ظاہر کی ہیں۔

(The English translation of the above speech.)

Pandit Thakurdas Bhargava (East Punjab: General): Mr. Chairman, as stated by the Honourable the Mover, there is no doubt, that the form in which the present Bill has been received from the Select Committee, is much better than what it was before. It now contains many more points which were not there in the original Bill. I do not want to say anything in this matter now as the Honourable the Mover has already dealt with it, but, I shall certainly like to draw your attention to those points which I consider unsatisfactory. I also do not want to go into a detailed discussion of those Amendments which stand in my name or in the name of other members of this House. I shall speak only on my second Amendment which I may not be able to move later. About Land-Acquisition and Land-Requisition, the point, to which I wish to draw your attention, is

that of ownership. In this connection I have to request the Government that before requisitioning buildings and houses it should, by declaration, make clear the public purpose, for which a particular house or a building is being requisitioned. If the Government is not willing to do so then it has no right either, to requisition a house. There is no doubt that the requisition or acquisition of private houses and buildings is made for public purposes, yet before doing so it becomes necessary to make a declaration to that effect, in the form of an order, stating that such and such house or a building is being requisitioned for such and such public purpose. If this Bill does not embody a provision to that effect it should then be included in it, so that at the time of an appeal no question would arise, whether the building was requisitioned for any particular purpose or not. It is provided in Rule 8 (1) that a building, as declared by Government, cannot be used for a purpose other than the public purpose. If a particular public purpose is not declared in the order through which a house has been requisitioned Rule 8 (1) becomes quite meaningless. This has been clearly stated under clauses 4 and 5 of the Land Acquisition Act, but there is no provision for this in the present Bill. This is also given about making appeals under Rule 8 (1). But if an appeal is made the question arises whether the particular purpose for which requisition was made, was declared or not. Therefore it is very essential to state it very clearly in the order of requisition that a particular thing is being requisitioned for such and such purpose. The second point in this bill which I would like to bring out before the house is that of giving compensation under clause (4). If we look at it from the point of view of law, it seems quite incorrect, as the government has the right to appoint an arbitrator if two parties do not come to a compromise. An arbitrator is generally appointed with the approval of both the parties but under the present clause this right rests with the government alone and not with those whose houses have been requisitioned. Obviously it makes no difference if he is called an arbitrator, or an assessor or a judge, for every one is at liberty to call his wife a 'Begum'. To what has been said in this bill regarding the appointment of an arbitrator I have to say that any practitioner of ten years' standing can become a judge of the High Court. Therefore I would say that it does not matter whether the government appoint an officer or any other person as an arbitrator but they should appoint an impartial person, so that he will decide disputes of compensation quite impartially. He will also have to bear in mind the basis on which he should base that compensation. If you will look carefully into the matter you will find that the principles related to clause (23) of the Land Acquisition Act do not at all apply here.

Regarding compensation I must say that some percentage must be fixed, it may be anything say fifteen per cent. or even five per cent., but it must be fixed and compensation must be given. Further I beg to say that there is no mention of the principles of compensation in this Bill. There are no instructions for the arbitrator in this Bill as to what are the points he should bear in his mind when determining the question of compensation. Again the arbitrator has not been told in this Bill, as to what are the points he should find out first—as for example what was the rent of this house? What was the rental value of the house? What is the present rent? He should really fix the compensation bearing these points in his mind. Again this Bill provides for the Government that they have the option to make whatever use of a house they like. Further it is not provided in the Bill that a house will be returned to its owner in the same condition in which it existed at the time of its requisitioning. On the other hand there is a restriction imposed on the land lord that he cannot make any alterations or additions in the building since after the order of requisition has been issued. But it is not mentioned there that the house will have to be returned in the same condition in which it was received at the time of requisition. Therefore I say that the Government should approach a land-lord in the same manner in which a tenant approaches him, and it must not try to exercise its very wide powers that it holds. If the

[Pandit Thakurdas Bhargava]

Government is going to exercise these powers it will be a great injustice on the others. Again the point which I have not been able to follow in this Bill has also not been made clear by the Select Committee. Clause 18 (2) of this Bill reads as follows:—

"No suit or other legal proceedings shall be against the central government for any damage caused or likely to be done in pursuance of this Act or any order made there under."

This protection given to the Government here is rather too much. The protection given under clause (8) is definitely quite enough. Therefore the portion *vis.* clause 18 (2) is quite unnecessary in this Bill. Just as the Government have agreed to grant compensations they should in the same way instruct their arbitrators to take into consideration the damages caused to the property and the wrongful uses made of it when fixing compensation for land-lords. Where a Government requisitioned house is being used by the Government for the purpose for which it was requisitioned but the landlord is thereby put to some loss then the Government should see that this is also provided in the Bill where the criterion for compensation is laid down, so that the arbitrator will also keep this point in view.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Hussain Imam (one of the Panel of Chairmen.)]

Secondly I wish to draw your attention to Clause No. 522 of the Criminal Procedure Code, regarding the basis, on which a note of dissent was placed before the Select Committee about this Bill. It says:

"Whenever a person is convicted of an offence attended by criminal force or show of force or by criminal intimidation, and it appears to the court that by such force or show of force or criminal intimidation any person has been dispossessed of any immovable property, the court may, if it thinks fit, when convicting such person or at any time within one month from the date of the conviction, order the person dispossessed to be restored to the possession of the same."

Sir, the correct law is, that if a person was dispossessed of an immovable property for which he had the right of possession he should get the possession of it. Therefore, if the present clause of the Bill is accepted everything will become topsyturvy. Further, the rights prescribed for an Estate Officer under this Bill are also quite wrong in my opinion. They are wrong lawfully; they are even morally wrong. Those powers are as under:

"Where any premises requisitioned under this Act are to be released from such requisition, the competent authority may, after such inquiry if any as he may in any case consider necessary to make, specify by order in writing the person to whom the possession of the premises, shall be given."

Sir, as far as the civil and criminal rights of the court are concerned I know no such law as embodied under clause (9) of this Bill. Thus to retain this clause in the Bill and to give such rights to Estate Officers will adversely affect the rights of the people. This is quite unjustified. Suppose a man purchases a property for Rs. 50,000. After making the payment to the seller a quarrel over the matter arises between them. Suppose the purchaser has now obtained possession of the property while the seller is in possession of the money the registration cannot be completed due to the quarrel between them. If during this period the building is requisitioned by the Government who keep its possession for one year then on returning the building after that period the Government under this clause (9) has the right to restore the building to its original owner who is the seller here and not to the purchaser although the latter had kept it for 11½ years in his possession. Therefore in such cases the right of the purchaser is lost for ever. It does not really matter if it was done honestly by an Estate Officer or through oversight. There is no provision in this Bill for the protection of such rights though it is so very important. The Honourable Mover has also stated in the house today that possession is nine points of law, therefore it is very essential to protect the rights of possession. But if an Estate Officer at the time of returning a property does not give possession of the property to its rightful owner according to the rights prescribed for him then the rightful owner will never be able to obtain possession of the property even through the court. This is called "*Tertiumquid*". If the matter

is taken to the court by the person who has the better right to the property, then the person who is in possession of the property will be held to continue to be in possession. Therefore to give such powers to Estate Officers is to bring a calamity to the people. I hope it is not desired to make the rights of the public unsafe by accepting this Bill. Perhaps one may say it does not matter if the right of possession is not given to the rightful owner; it may be said that he could get its possession through the court. But, in my opinion, keeping the above example in view, a provision must be made in this Bill so that at the time of returning the property the Government must restore the possession to the same man from whom the building was requisitioned. It will then rest with the Estate Officer to hold an inquiry if he considers fit. But if he considers that an enquiry is not required then, in some of the cases, the property will fall in the hands of those who were not the real owners. If, therefore, it is desired that they may be robbed off their rights, in this manner then the officers may be given those powers otherwise, it is but obvious that possession must be restored to the party holding the possession at the time of requisition of the building. If this is not done I should consider it a great injustice, and the rights of the people will be ruined. With this object in my mind I have placed this Amendment, and I shall request the Honourable Members of the House to kindly accept it.

My next point which I wish to bring to your notice is that under clause (11), the present Bill is applicable to Government building also. Is the Government willing to extern a man from the house in which he has been living for quite a long time? In this connection I would like to draw your attention to that Bill which was passed by this House about eight months ago. The Bill was first sent to the Select Committee from where it was received in the House and was then passed by the House. It was then decided to recognize all those instances of subletting that had been previously done, but subletting was forbidden for the future. This Bill was passed in March-April 1947, and was known as the Delhi-Ajmer-Merwara Act. But under the meaning of the Bill which is before us, these men who got accommodation as subtenants according to the meaning of the previous Bill, shall have to vacate these houses. The Government is aware of the fact that a very large number of refugees has arrived in Delhi and only a very few of them are staying in Government camps while quite a majority of them are actually staying with their friends and relatives. The previous Bill was passed by the Government only for the sake of these refugees as the Government had the intention of providing some accommodation for them. People who were living in Government quarters were not willing to vacate them. The Government knew that they were subletting a portion of their quarters and were charging rents from their subtenants. Though the Government was aware of all these facts, and knowing it they passed the previous Bill, but I do not understand, where is the necessity of passing the present Bill? Or, the Bill which has been presented now, and is about the private houses and buildings, should be made applicable to Government quarters as well. May I ask "Why have you exempted these quarters from the operation of this Bill?" Undoubtedly it is upto the Government to decide about this matter, and I sincerely wish that the Government should have the right to decide it. I have full confidence in the Honourable Minister, who is incharge of this department, but I have to state before him that by enacting such a Bill he will be throwing those people out in the open who under the previous Bill, were allowed to sublet. I trust the Government do not mean to do so, but if it comes to that, then I hope the Government will not be allowed to exercise its authority so long as an alternative arrangement of accommodation has not been made for these people.

These are some of the shortcomings of this bill—that I have tried to bring before you today.

Kasi Syed Karimuddin (C. P. and Berar: Muslim): Sir the Honourable Member Mr. Bhargava has made a very exhaustive speech and I do not think I should repeat his arguments in opposing some provisions of the Bill. The definition of 'public purpose' is mentioned in clause 2. 'Public purpose' means any purpose which is so declared by rules made under this Act—that is the definition. The definition has been left to the rules to be made under this Act. Such a serious and important provision is being made that people will be ousted from their own houses, yet 'public purpose' is not being defined. The definition of 'public purpose' should be a substantive provision of law and it should not be entrusted to a rule-making body. Houses are to be requisitioned for public purposes which are not defined. It will be entrusted to the executive body. I have got a very serious objection and I submit this is against the principle of legislation. When a substantive provision of law has been left to the rule-making body there is no protection to the people whose houses will be acquired.

In regard to clause 9 I have got very serious objection. My learned friend Pandit Thakurdas Bhargava has already said that this is an unprecedented and arbitrary law in that it does not lay down that the houses would be handed over to those persons from whom possession is taken. What does the Government intend to? The Government should have made it clear as to why this arbitrary and unprecedented provision of law has been made. The ordinary rule of law, as my honourable friend has said, is that house should be restored to the man from whom possession is taken. But this is suppressed. Is there anything up the sleeves which requires to be suppressed and concealed? First of all they should have laid down that the house would be restored to possession to a man who is entitled to it or who is the owner of it. Secondly possession should be restored to a man from whom it was taken.

There is one more factor which has not been taken into consideration as regards this Bill. The question of several houses whose owners have vacated the houses and run away should be taken into consideration. Suppose a house is taken into possession. The man is not traceable for some time. Without defining what 'public purpose' is, the arbitrator or the man in charge will assign that house to anybody he likes. This will be in contravention of all principles of jurisprudence. In that case the Government should have taken the responsibility of taking such a house under the management of Government. Whenever, within a certain period, the owner or the man from whom possession was taken, or his heirs come and claim, it should be handed over to them. The Government makes no provision about it. This is going to be a very arbitrary provision of law. There will be thousands of houses in this dominion the owners of which will not be traceable for some time. Government has not said anything as to why it is not mentioned in clause 9 that the house will be returned to the owner, or that it will be returned to the man from whom possession is taken, or if the owner is not traceable for some time that the house will be kept under the management of Government unless a civil decree is obtained that another man is legally entitled to it. I am unable to understand why these matters have not been clarified. As my honourable friend Pandit Bhargava said, under clause 8, sub-clause (2):

"where any premises requisitioned under this Act or any material part thereof, are wholly destroyed or rendered substantially and permanently unfit for the purpose for which they were let by reason of fire, tempest or flood, or violence of any army or of a mob or other irresistible force, the requisition shall at the option of the Central Government be void."

The position is peculiar. According to me the rights of the parties have been suspended by this law. The house property for purposes of law, is entrusted to the Government. Now, during this entrustment, if a damage is caused for the reasons mentioned in clause 8(2), is the owner to suffer for that? Even if it is because of the negligence of the Gov-

ernment officers that the house is destroyed—even if it is not properly protected, Is the owner to suffer? The owner would have taken steps had he been in possession of the house. My submission is that Government should have made provision that in such cases insurance of those houses should be taken by Government. But there is no mention of it here. Government has made a drastic proposal that in all these cases Government would not be responsible. My submission is that Government should take steps to protect and get the house insured under the contingencies mentioned in sub-clause (2) of clause 8.

Shri M. S. Aney (Deccan and Madras States Group): See the Proviso to sub-clause (2).

Kazi Syed Karimuddin: It says that if the injury is occasioned by the wrongful act or default of the Central Government it shall not be entitled to avail itself of the benefit of sub-clause (2). Is it not arbitrary? The Government officer is to decide whether the damage is caused by the neglect of the officer or otherwise. Is there any civil remedy provided?

My submission is that some of the provisions of this Act are very arbitrary and unprecedented. I know the situation is unprecedented. But the Government should give due protection to the rights and privileges of those from whom possession of the house is taken.

The Honourable Shri N. V. Gadgil: Sir, the arguments that have been advanced by my Honourable friend Pandit Thakur Das Bhargava are the same which he advanced when the Bill was referred to Select Committee. He still feels that the question of 'public purpose' should be a subject matter which should be gone into by an appellate authority. That is not done even under the provisions of the Land Acquisition Act. It is a matter for the executive government to decide what is a 'public purpose' and what is not. This has become necessary in view of the acute shortage of accommodation. Probably the House is aware that at present there are 23,000 officers of the Government of India who are not accommodated by the Government of India in any of their buildings. Added to this, we have to provide for nearly 50 Embassies and their staff. I know that certain refugees have come and have been in occupation of some of the premises probably belonging to them or to their friends. As I stated, wherever possible it has been the practice with the Ministry to accommodate the owner or the tenant, whosoever may be the actual occupant. But if you put this as a statutory obligation which the Government must honour, then the whole Bill will be completely frustrated and the object for which the ordinance was issued and the object for which this Bill is before the House will be completely sabotaged. Two lakhs of people have come here. It is not necessary for everyone of them to be here. The simple question before the Government is that they should either put up their own officers who are to run the essential services that are going to maintain the state, or put up persons who come as refugees in the houses. Any responsible citizen will agree that those who are responsible for running the essential services on which the very maintenance of the State depends must be given the first priority. The good of the state is supreme, it has priority over other things. There is no doubt a sort of arbitrariness but that cannot be avoided. Although we are not in war time, yet we are in a time in which the conditions are still worse.

Shri M. S. Aney: Does the Government claim that they have a right to create evacuees for the right of protecting other evacuees?

The Honourable Shri N. V. Gadgil: That does not follow from what I said.

With respect to the provision as regards the actual possession to be given under clause 9, some criticism has been offered by two Honourable Members. The idea seems to be that the Government should derequisition the premises in favour of one from whom possession was actually taken. As a matter of fact, Sir, in many cases experience has shown that the tenancy has expired between

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the date of requisition and the date on which the property is sought to be released. Therefore the Government has proceeded on a very cautious line, that after such enquiry if the Government finds that the tenancy has terminated and the tenant has no right, then the possession ought to go to the landlord. Then there is a proviso that the remedy of any party affected by the order made by the Government is not barred at all. They can go to a civil court and get the proper redress. Even as soon as they know that de-requisitioning is about to come, they can bring an injunction, and they can, if there has been any judicial decision in between the two dates, put that matter before the dequisitioning authority and that is bound to be taken into consideration, and is taken into consideration.

There is another point which has been raised about the definition of 'public purpose', and it was suggested that it ought to be defined and not be left to be defined by the rules. I do concede there is some force in this. In the original Bill 'public purpose' was defined as anything connected with acute shortage of accommodation. In the Select Committee this was not accepted and you will find, Sir, that no amendment has been even suggested so far as this definition is concerned by any of the Honourable Members that this definition was not good, felt whatever the Government thinks to be a public purpose should be declared as a public purpose. But I may bring another point to the attention of Honourable Members, that in the Preamble which is supposed to govern the general tenor of the sections that follow, it is stated "whereas by reason of the shortage of accommodation" the necessity for this Bill has arisen. It would be only logical if I were to say that the rules cannot go beyond the purposes contemplated in the Preamble to the Act. You may trust the Government to be acting within the frame of the preamble, and not going beyond that.

Mr. Naziruddin Ahmad (West Bengal: Muslim): The preamble is no operative part of the Act. The preamble may be considered only when there is any ambiguity in the provisions, but this only to clear the ambiguity in the body of the Act but no further.

The Honourable Shri N. V. Gadgil: That is a thing I have often heard in the course of arguments in courts, but all the same it is a direction and to that extent you will not belittle what has been said in any preamble. When the rule-making power is given in any of the enabling sections, it is obvious that that power cannot go beyond what has been contemplated in the preamble itself.

Shri Deshbandhu Gupta (Delhi): When does the Honourable Minister envisage the shortage to be got over? It has become a permanent thing.

The Honourable Shri N. V. Gadgil: The shortage of accommodation will go as soon as accommodation is available. My honourable friend who comes from Delhi knows very well that all efforts are being made by all the various bodies which are expected to do this work, including the Government themselves. If for one reason or another accommodation is not easily available, this transitory period has got to be provided for. I know that the normal rights of the owner and the tenant are suspended because of this Act. Nobody is very anxious to see that these ordinary liberties are circumscribed. But the logic of events has left no choice for the Government and that is a fact I know the House will readily appreciate and I hope it will agree to this measure, and out of deference to the wishes of the members of the Select Committee, I have limited its duration till the 31st December 1949.

Kazi Syed Karimuddin: May I put one question. Supposing the possessor from whom possession is taken or the owner is not found, then what happens to the house?

The Honourable Shri N. V. Gadgil: Then Government will keep the house

Mr. Chairman: The question is:

"That the Bill to confer certain powers in respect of premises in the Province of Delhi, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Pandit Thakur Das Bhargava: I beg to move:

"That in sub-clause (3) of clause 3 of the Bill, after the words 'requisition the premises', the words 'for any public purpose' be inserted."

I have to say nothing more than what I have already submitted and I leave it to the House to judge if it is necessary.

The Honourable Shri N. V. Gadgil: Although it is not necessary, to show that I am extremely reasonable, I am going to accept it.

Mr. Chairman: The question is:

"That in sub-clause (3) of clause 3 of the Bill, after the words 'requisition the premises', the words 'for any public purpose' be inserted."

The motion was adopted.

Pandit Thakur Das Bhargava: I beg to move:

"That in sub-clause (4) of clause 3 of the Bill, after the word 'premises', the words 'for any public purpose' be inserted."

The Honourable Shri N. V. Gadgil: For the same reasons I accept it.

Mr. Chairman: The question is:

"That in sub-clause (4) of clause 3 of the Bill, after the word 'premises', the words 'for any public purpose' be inserted."

The motion was adopted.

Maharajkumar Balendu Shah (Punjab States Group): I beg to move:

"That for the Proviso to sub-clause (4) of clause 3 of the Bill, the following be substituted, namely:

"Provided that where a landlord or tenant is using any premises for the residence of himself or his family the competent authority shall provide suitable alternative accommodation."

I have very little to say in this connection except what Mr. Aney said. Is the Government contemplating creating further evacuees for accommodation beyond those who are already in the province of Delhi? Unless Government at least satisfy the public demand for further accommodation by further construction, I think it is very unjust on the part of the Government to kick out those people who are already in possession of houses and they are not living there very comfortably either. That is all I have to say in connection with this and I beg that this be taken into consideration.

Mr. Chairman: Amendment moved:

"That for the Proviso to sub-clause (4) of clause 3 of the Bill, the following be substituted, namely:

"Provided that where a landlord or tenant is using any premises for the residence of himself or his family the competent authority shall provide suitable alternative accommodation."

The Honourable Shri N. V. Gadgil: The point is simply this, that houses are not requisitioned for the purpose of accommodating refugees. They are requisitioned for the purpose of accommodating government officers; secondly Embassies and their staff; and as far as I remember I have requisitioned only one house and that is for accommodating destitute women from among the refugees. So it is not the intention to encourage the refugees to come over here and make refugees of the citizens of Delhi and throw them on the streets; that is not the idea. I cannot accept this amendment.

Mr. Chairman: The question is:

"That for the Proviso to sub-clause (4) of clause 3 of the Bill, the following be substituted, namely:

'Provided that where a landlord or tenant is using any premises for the residence of himself or his family the competent authority shall provide suitable alternative accommodation.'

The motion was negatived.

Shri Deshbandhu Gupta: Sir, I beg to move:

"That in the Proviso to sub-clause (4) of clause 3 of the Bill, the words 'as far as possible' be omitted."

In support of this amendment I have only to say that the principle which the Government had already accepted while passing the Delhi and Ajmer-Merwara Rent Control Bill was that it should apply only to vacant premises. As a matter of fact, the Honourable Member knows more than anybody else that today there is such a big pressure on private houses in Delhi that had never existed before and it would be a great hardship for the occupants of those houses to be displaced for reasons of State or for any other reason. Therefore, unless Government undertake to provide alternative accommodation, I see no reason why these powers should be given to the Government. Therefore, I would request the Honourable Member to accept this amendment.

Mr. Chairman: Amendment moved:

"That in the Proviso to sub-clause (4) of clause 3 of the Bill, the words 'as far as possible' be omitted."

The Honourable Shri N. V. Gadgil: Sir, I cannot accept this amendment for the reasons I have already stated. If it is accepted the Bill will be reduced to a cipher.

Shri Deshbandhu Gupta: Sir, I beg leave of the House to withdraw my amendment.

Mr. Chairman: Has the Honourable Member leave of the House to withdraw.

The Amendment was, by leave of the Assembly, withdrawn.

Mr. Chairman: The question is:

"That clause 3 as amended stand part of the Bill."

The motion was adopted.

Clause 3 as amended was added to the Bill.

Shri Deshbandhu Gupta: I beg to move:

"That for clause 4 of the Bill, the following be substituted, namely:

4. Exclusion of certain premises from requisitioning—

Nothing in section 3 shall empower the competent authority to requisition premises,—

- (a) which are exclusively used for the purpose of religious worship or which are in use for a school, orphanage, or hospital;
- (b) which are exclusively used for the purpose of carrying on business; and
- (c) whose rental value is less than Rs. 200 p. m."

Sir, I do not want to take up the time of the House in arguing a case in favour of these amendments. At the stage when the Bill was referred to the Select Committee, it had been suggested that the one consideration which weighed with the House in referring this Bill to the Select Committee was that the opinion of the Advisory Council of Delhi which represents the public opinion in Delhi should be consulted. An informal meeting of that body was held and in support of this they had submitted their views to the Select Committee. I would confine myself to the reading of the opinion expressed by that body and this opinion has further been endorsed yesterday when a formal meeting of that Advisory Council was held under the presidency of the Chief Commissioner-

and the meeting unanimously accepted and confirmed that opinion. I personally feel that in this House, Delhi is very poorly represented; there is only one man who can put forward the point of view of the public and I can say that in all measures which affect the Delhi-wallas very little attention is really given to the point of view of the people of Delhi. The fact that the Members of the Advisory Council of the Chief Commissioner have unanimously expressed an opinion on this Bill, which has been disregarded, goes to show and goes further to confirm this point of view. In any case, Sir, I am in duty bound to place the views of the Advisory Council, with which I am in full agreement, before the House and I do hope that the Honourable Member even at this stage will show some consideration and accept such of the amendments as may not be found objectionable.

The opinion expressed by the Advisory Council was this:

"In view of the high pressure on housing accommodation in Delhi which has been further increased due to influx of refugees from Pakistan, a very large majority of whom are lodged in private houses, the Council held the view that it was not desirable to pass the Bill. It was of opinion that the powers already given under Sec. 11 of the Delhi and Ajmer-Merwara Rent Control Act were sufficient to serve the purpose. In any case, it felt that the powers sought in the Bill are far too wide. If the Bill has to be passed it should be amended in following respects:

- (a) Its scope should be restricted to Governmental requirements.
- (b) The period should be limited to two years at the most.
- (c) It should apply only to New Delhi and Civil Lines.
- (d) It should not apply to business premises and to residential premises of the rental value of less than Rs. 200 p. m.
- (e) No house occupied by the land-lord and his family for his own *bona fide* residential purposes should be requisitioned. Preferably only such houses as fall vacant should be requisitioned.
- (f) Dispossessed tenants should be provided alternative accommodation.
- (g) At least one month's notice should be given.
- (h) Repairs undertaken by Government should not exceed the equal of one month's rent.
- (i) No entry in premises except during day.
- (j) At the time of de-requisitioning the premises should be returned to rightful owners and in the condition in which they were taken."

I feel, Sir, that no reasonable exception could be taken to the views expressed by the Advisory Council. I am thankful to the Honourable Member that some of these recommendations have been accepted but the vital part is that the provisions of this Bill should not apply to premises which are not vacant. This principle was accepted by this House only six months back when they restricted the requisitioning of premises only to such premises.

Then, Sir, the purpose which has been put before the House by the Honourable Member is really the requirements of the Embassies and the requirements of the Embassies would not be served if houses below the rental value of Rs. 200 per mensem were to be requisitioned. Surely, no Embassy is going to lodge itself in a house which fetches rental less than Rs. 200. Moreover, they are not going to live outside New Delhi—at the most some of them may go to Civil Lines. Therefore, this part of the recommendation is also reasonable and it was in view of this that the House had accepted this principle while the Delhi and Ajmer-Merwara Rent Control Bill was being discussed in the House. Moreover, I would say, Sir, that there is very strong public opinion in Delhi

The Honourable Shri N. V. Gadgil: Landlords.

Shri Deshbandhu Gupta: Not landlords, because the Bill does not affect the landlords, because it is the occupants that are affected. In fact, my friend Pandit Thakurdas Bhargava was arguing that the occupants who were sub-tenants of Government houses should not be displaced and the recommendation

[Shri Deshbandhu Gupta]

is that all those—particularly the tenants who are to be displaced by requisitioning the house—should be provided alternative accommodation. Sir, as a matter of fact all requisitioning is bad and I know my Honourable friend realises it more than anybody else. An emergency, just as I said a few minutes before, ceases to be an emergency if it becomes permanent. This requisitioning has been there since 1939 and Delhi has been the greatest sufferer because whereas in January 1947 in Bombay only 115 houses were requisitioned and in Calcutta 88, in Delhi the number was 518.

Since 1939 this thing has been there. War emergency was pleaded at that time. Then people hoped that six months after the war terminated all the houses that were requisitioned would be returned to them. Then came an Ordinance and Government brought another Bill seeking to continue the powers conferred under the Ordinance. Then those powers were given but they were qualified. Then came Section 11 of the Rent Control Act. There again the powers of the Government were further qualified and now comes another Ordinance which exceeds all its predecessors. There is no war emergency. The emergency such as exists is not as grave as a war emergency. Therefore, in my opinion, the powers sought under this Bill are far too wide.

One more point, Sir. This Bill does not make an exception in the case of business premises. I would like to know from my Honourable friend whether any residential purpose could be served by calling upon business premises and requisitioning them. I see no justification whatever for it. It was suggested in the Select Committee that simply by keeping a gramophone, a typewriter or a radio, people would say that it was not a residential place. Steps could very well have been taken to see that no such subterfuge is played, because under the Rent Control Bill we have stated in more than one place that if a place was primarily used for residential purpose the Bill would apply to it. If the purpose was not to requisition business premises, there is no reason why it should not be made clear. I am very strongly against this measure and public opinion is behind me. It is really for the Government to go ahead with the housing problem. My Honourable friend said that steps have been taken, but in fact, I cannot help saying that Government have not yet realised the enormity of the problem. No practical steps have been taken, no encouragement has been given to private house builders. The 200 or odd houses sought to be put up by Government will probably take two years and that is not the way to meet this great demand on housing capacity. Unless the Government undertakes a bold programme of building houses, this Bill may be followed up by another. An assurance was given that perhaps all those houses which were requisitioned would be de-requisitioned. A Board was appointed in Delhi and in other places but no progress was made. In fact, I have seen Government servants who had hoped one day after retirement to live in their own houses not getting their houses for seven years. My Honourable friend pleads house shortage. True, but the question is: Is he in a position to give the assurance that this Bill will not apply after two years? Otherwise, I am sure this Bill will become a permanent statute. Therefore, I say this measure should not be taken lightly. The plea of emergency and the fact that it will end soon will not convince anybody or deceive anybody. Therefore, I am strongly opposed to this measure and I do hope that the Honourable Minister will realise the volume of public opinion against this Bill and accept some of the amendments suggested by me.

Mr. Chairman: Amendment moved:

"That for clause 4 of the Bill, the following be substituted, namely:

"4. *Exclusion of certain premises from requisitioning*—

Nothing in section 3 shall empower the competent authority to requisition premises.—

- (a) which are exclusively used for the purpose of religious worship or which are in use for a school, orphanage, or hospital;
- (b) which are exclusively used for the purpose of carrying on business; and
- (c) whose rental value is less than Rs. 200 p. m."

The Honourable Shri N. V. Gadgil: Sir, I am not in a position to accept any of the clauses suggested in the amendment.

Mr. Chairman: The question is:

"That for clause 4 of the Bill, the following be substituted, namely:

4. Exclusion of certain premises from requisitioning—

Nothing in section 3 shall empower the competent authority to requisition premises,—

- (a) which are exclusively used for the purpose of religious worship or which are in use for a school, orphanage, or hospital;
- (b) which are exclusively used for the purpose of carrying on business; and
- (c) whose rental value is less than Rs. 200 p. m.'."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 11 were added to the Bill.

The Honourable Shri N. V. Gadgil: Sir, I beg to move:

"That in sub-clause (2) of clause 12 of the Bill—

- (i) in items (a) and (b) for the figure '4', the figure '7' be substituted; and
- (ii) in item (c) for the figure '5', the figure '9' be substituted."

Mr. Chairman: Amendment moved:

"That in sub-clause (2) of clause 12 of the Bill—

- (i) in items (a) and (b) for the figure '4', the figure '7' be substituted; and
- (ii) in item (c) for the figure '5', the figure '9' be substituted."

Mr. R. K. Sidhwa: (C. P. and Berar: General): I want to know what is the amendment relating to figures 7 and 4 of clause 12 of the Bill? As a Member of the Select Committee, I do not know if this is any important change. If it is a typographical mistake, I have no objection. Rule 45 states that two clear days notice should be given for giving an amendment to a Bill. I would like to be enlightened if it relates to some arbitration act.

The Honourable Shri N. V. Gadgil: Absolutely minor.

Mr. Chairman: I think the Honourable Member has made it consequential because the section has changed. The question is:

"That in sub-clause (2) of clause 12 of the Bill—

- (i) in items (a) and (b) for the figure '4', the figure '7' be substituted; and
- (ii) in item (c) for the figure '5', the figure '9' be substituted."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clauses 13 to 16 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

**DELHI AND AJMER-MERWARA RENT CONTROL
(AMENDMENT) BILL**

The Honourable Shri N. V. Gadgil (Minister for Works, Mines and Power):
Sir, I beg to move:

"That the Bill to continue in force certain amendments of the Delhi and Ajmer-Merwara Rent Control Act, 1947, as reported by the Select Committee, be taken into consideration."

Sir, the Select Committee has made only one amendment and that is with respect to the appeal provision. The appeals will now lie to the District Judge against the orders of the Rent Controller. Except that no other change has been made by the Select Committee. So far as the form of the Bill is concerned, the original form has been changed because in the original Bill reference was made to the continuance of the provisions as amended by the Ordinance issued on the 20th of September 1947 and a change was desired by some Members of the House as also by several members of the Select Committee. The provisions of the whole Ordinance have been incorporated and they have now been embodied in the Bill as reported by the Select Committee. Beyond that there is no change and I do not want to repeat the arguments unless it becomes necessary by way of reply. Sir, I move.

Mr. Chairman: Motion moved:

"That the Bill to continue in force certain amendments of the Delhi and Ajmer-Merwara Rent Control Act, 1947, as reported by the Select Committee, be taken into consideration."

Shri Deshbandhu Gupta (Delhi): I would like to help the Honourable the Minister to rush it through if possible. I have no objection. I only want to take two or three minutes and the Honourable Minister is keen that the motion should be accepted, it may be accepted even now. I do not want to stand in the way.

Sir, when this Bill was referred to the Select Committee, the main objection taken at that time was that the Government had not taken any steps to encourage housing. I do not want to repeat the argument. I have already emphasised the fact. But I wish to draw the attention of my Honourable friend towards one specific provision of this Bill. This exemption was made in the old Bill with the specific purpose of giving encouragement to the landlords to put up new houses and at that time the Mover had made it perfectly plain that 'we do not want the landlords to feel that this is an expropriatory measure by which they are being penalized and that possibly after another few years there may be another Bill.' As my Honourable friend apprehends buildings which have now been excluded from the scope of Rent Control Bill will be again brought under Rent Control and landlords will be penalised for all the buildings which they put up hereafter. I am one with my Honourable friend to punish those who are charging excessive rents. I hold no brief for the landlords and if there are any who have abused the exemption, I am for giving the maximum punishment which should be given to them. But I wish to draw the attention of my Honourable friend towards these remarks which the Mover of the Bill at that time had made. The House very well knew at that time, Sir, that excessive rents were being charged by landlords and if this exemption was given in case of new houses it was done knowingly and with the definite purpose in view. The purpose was that the putting up of new buildings should not be retarded and a definite assurance was given out in these words which I have just read out that the landlords should not apprehend that another legislation would be brought forward to penalise them and to withdraw the exemption which had been given to them. I want to know from my Honourable friend whether his attention had been drawn to this assurance. It may be that the previous Government was certainly in the habit of breaking its promises, but we would not like that allegation to be made against our own Government. I would therefore request my Honourable friend to reconsider this matter and

unless Government is putting up some more houses and make it easier for people to build houses, this exemption which had been there only for six months should not be withdrawn. Much can be said so far as the question of the impediments that are placed in the way of those who are out to help the Government or the people by putting up new buildings and the difficulties which they encounter on account of the paucity of building material, but I do not want to dilate on that. I only wish to draw my Honourable friend's attention to the

5 P.M. strong feeling that prevails that unless Government come forward with a bold building programme there is no justification for withdrawing this exemption.

Therefore I would plead that even at this stage my Honourable friend should agree to postpone this measure if not to withdraw it.

پلڈت تھاکر داس بہارگو : مانیلہ سپیکر صاحب: میں صرف اتنا عرض کرنا چاہتا ہوں

Ajmer Merwara Rent Control Bill میں اپریل ۱۹۴۷ء میں اور Delhi ہاؤس میں پیس کیا گیا تو عام مطالبہ منظور ہوا کہ Rent Institution Controllor کو ختم کیا جائے۔ کیونکہ اس کے خلاف بہت سی شکایات تھیں۔ اب اس نئے ایکٹ کے تحت دہلی کے نئے مکانات کے متعلق Court کو اختیار ہونا چاہئے کہ وہ Standard rent مقرر کر دے۔ ایسے مکانات سو یا دوسو سے زیادہ نہیں ہونگے۔ لیکن ان کے بابت جو یہ ایک نیا forum بنایا گیا ہے۔ مجھے اس پر اعتراض ہے۔ اس Democracy کے زمانے میں Special jurisdiction بنا دینا ٹھیک نہیں ہے۔ اور ان نئے مکانات کے لئے Special forum نہیں ہونا چاہئے بلکہ ساری دہلی کے تمام مکانات کے لئے ایک ہی forum ہونا چاہئے۔ اگر آنریبل ممبر صاحب اس بات کو منظور فرمائیں تو یہ Democratic ہوگا اور سب کے لئے ایک جیسا ہی forum بن جائیگا۔

(English translation of the above speech.)

Pandit Thakur Das Bhargava (East Punjab: General): Mr. Chairman, I wish to say that in March-April 1947, when the Delhi Ajmer-Merwara Rent Control Bill came before the House and was also passed by it, the public demand to end the Rent Controller Institution, was accepted, as there were many complaints against it. Under the new Act, therefore, the court should be given the rights to standardize the rents of the newly built houses in Delhi. There are not more than a hundred or two hundred of these houses but I object to the forum which has been formed for them. In this age of democracy it is not proper to introduce special jurisdictions. Therefore, there should be no special forum for these houses and there should be only one forum for all the houses in Delhi. If the Honourable the Mover approves of it then it will be a forum democratic and uniform for all.

آنرےبل شری ان۔ وی۔ گڈگیل : ماننیی ساہب, میں بھی ادب سے کچھ کہنا چاہتا ہوں۔ ہمارے دوست گپتا ساہب کو مالوم ہونا چاہیے کہ گورنمنٹ نے مکانات کے بنانے کا پروگرام (Programme) شروع کر دیا ہے۔ میں یہ جانتا ہوں کہ یہ معاملہ بہت سیریس (Serious) ہے اور اسکو گپتا ساہب بھی جانتے ہیں۔ لیکن اس بارے میں اتنا ہی کہنا چاہتا ہوں کہ ۵۰۰ مکانات بنانے کا پروگرام ایمپروومینٹ ٹرسٹ (Improvement Trust) کے پاس ہے اور اس میں سے ۳۰۰ بن چکے ہیں جبکہ پہلا ایکٹ پاس کیا گیا تھا۔ اب سب سے زیادہ دیکھتے ہیں کہ انکا رینٹ (Rent) کون مقرر کرے۔ رینٹ کنٹرولر (Rent

[श्री एन० वी० गैडगिल]

Controller) को हटा दिया गया है क्योंकि पुराने एकट के पहिले सब मकानों का किराया कायम करना पूरा हो गया था मगर अब थोड़े से ऐसे मकान हैं जिनका किराया मुकरर नहीं किया गया है। जो नये मकान हैं उनके लिए रेंट कंट्रोल बिल में इस तरह की कोई बात नहीं है। वह लोग कोर्ट के पास जायेंगे और कहेंगे कि सिमन्ट ज्यादा भाव से लिया है तो कोर्ट वाले इस बात को नहीं मानेंगे कि मकान वालों को क्या २ दिक्कत का सामना करना पड़ा। वे तो कैपिटल वैल्यू (Capital value) को सामने रखते हुए ५ पर सेन्ट (5%) ६ पर सेन्ट (6%) या ७ पर सेन्ट (7%) के हिसाब से लगायेंगे।

मैं यह भी कहना चाहता हूँ कि रेंट कंट्रोल में इतने (judicial officers) ज्यूडीशल-आफिसर नहीं हैं इस वास्ते हमने सलैक्ट कमेटी (Select Committee) में यह प्राविजन (provision) रक्खा है कि रेंट कंट्रोल आर्डर (Rent Control Order) के खिलाफ डिस्ट्रिक्ट-कोर्ट (District Courts) में अपील (Appeal) की जा सकती है। सबसे ज्यादा हमारे गुस्ता साहब जान सकते हैं कि आजकल लाहौर से जो बिजनेसमैन (Business men) आ गये हैं वे एक कमरे के ४०० रुपये तक दे रहे हैं।

श्री देशबन्धु गुप्ता : वे किराया नहीं दे रहे हैं बल्कि पगड़ी भी दे रहे हैं। आनरेबल श्री एन० वी० गैडगिल : अगर यह बात कोर्ट के सामने आयगी तो ठीक हो जायगी। इसमें कोई दिक्कत की बात नहीं है और हम समझते हैं कि यह आप टेनेन्ट (Tenant) के फायदे के लिये कह रहे हैं।

(English translation of the above speeches.)

The Honourable Shri N. V. Gadgil: Mr. Chairman, Sir, with due respect, I want to say something. My friend Mr. Gupta may know that the Government have started the work of housebuilding. I realise the seriousness of this matter and so does Mr. Gupta. But in this connexion I have only to tell you that the Improvement Trust have already taken in hand the construction of five hundred new buildings. Of these three hundreds have been built, since the Act was passed. The greatest of all the difficulties now is that who should fix the rents of these premises. The post of the Rent Controller has been abolished because the rents of all the houses constructed before the Act was passed had been fixed. The Rent Control Bill does not contain any reference to the rents of these new houses. The public will go to the courts of law and complain that they purchased cement etc. at high rates. The court authorities will not recognise the difficulties which the house owners have to face. They will fix the rents with regard to the 'Capital value' of these buildings. It may be five per cent, six per cent or seven per cent etc.

I would also like to point out, Sir, that the Rent Control Department does not have enough Judicial Officers. The Select Committee have, therefore, made the provision that people can appeal in the District Courts against the orders under the Rent Control Order. May, I tell the House, Sir, and my friend Mr. Gupta knows it well, that the businessmen who have come from Lahore are paying upto four hundred rupees for a room.

Shri Deshbandhu Gupta: These men are not only paying exorbitant rents but they are also paying *Pugree* money.

The Honourable Shri N. V. Gadgil: If it is brought before the courts it will be set right. It is not very difficult. I realise you are saying it for the sake of the tenants.

Mr. Chairman: The question is:

"That the Bill to continue in force certain amendments of the Delhi and Ajmer-Merwara Rent Control Act, 1947, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 7 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. V. Gadgil: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 9th December, 1947.